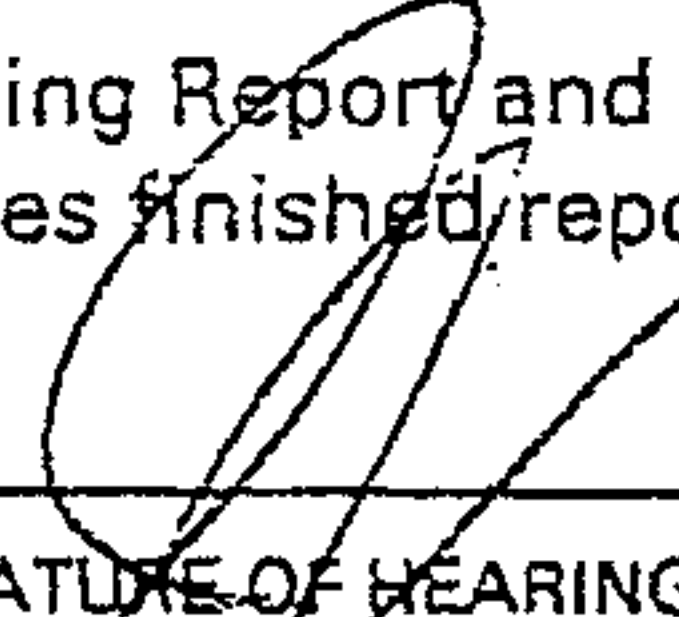


FORM DC-141		PART I		COMMONWEALTH OF PENNSYLVANIA		A 159045	
Rev. 6-84		<input checked="" type="checkbox"/> MISCONDUCT REPORT <input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number DD3483	Name Culver, Brett	Institution SCIMAH	Incident Time 24 Hr. Base 1510	Incident Date 4-13-00	Date of Report 4-13-00		
Quarters D/B #39	Place of Incident Prog/suc co's Desk						
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	DC Number	Name	I	W
MISCONDUCT CHARGE OR OTHER ACTION							
CLASS I CAT B #8 Possession of Contraband							
CLASS I CAT D #28 LOANING or borrowing Property							
STAFF MEMBER'S VERSION ON Above date & time Inmate Culver DD3483 came to the Desk for his PASS from the Recreation Library. Inmate Culver had A newspaper with the law work on the inside of newspaper. The newspaper was Inmate Gillingham, DANA DT5265 D/B #6. Confiscated Items Receipt No # A150818.							
SSJ							
IMMEDIATE ACTION TAKEN AND REASON							
Continue present status pending Further Action By the Hearing Examiner							
PRE-HEARING CONFINEMENT							
IF YES							
<input type="checkbox"/> YES	TIME	DATE					
<input checked="" type="checkbox"/> NO	N/A	N/A					
				<input checked="" type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION <input checked="" type="checkbox"/> INMATE'S VERSION			
REPORTING STAFF MEMBER SIGNATURE AND TITLE		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY		SIGNATURE AND TITLE		DATE AND TIME INMATE GIVEN COPY	
CO's [Signature] - M. Krick		COTU [Signature]				DATE 4-13-00	TIME 24 HOUR BASE 1920
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE 4-15-00				TIME 0800		Misconduct Category <input checked="" type="checkbox"/> CLASS I <input type="checkbox"/> CLASS 2	
				Signature of Person Serving Notice K. C. MAYER			
NOTICE TO INMATE							
You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.							

DC-154A		COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS			
No. A 150818					
Confiscated Items Receipt (Inmate)					
DC Number	Name	Cell	Institution	Date	Time
DD 3883	Culver	D/B #39	SCIMAH	4-13-00	1510
<input type="checkbox"/> Random Search		Misconduct Report Prepared		Comment:	
<input type="checkbox"/> General Search		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Misconduct NO # A159045	
<input type="checkbox"/> Investigative Search					
Items Confiscated			Items Confiscated		
1 EA NEWSPAPER (Times-News, Erie PA)					
31 pages League work & file					
Signature and Title of Officer					
CO' [Signature]					

DC-141 PART II A		COMMONWEALTH OF PENNSYLVANIA	
Rev. 6-84		DEPARTMENT OF CORRECTIONS	
INMATE REQUEST FOR REPRESENTATION AND WITNESSES			
DC Number DD3483	Name Culver, Brett	Institution SCIMAH	Date 4-13-00
Number as on Part I A159045			
<p>You have been charged with a misconduct. You may request assistance and/or witnesses to appear at your hearing by completing the section(s) below.</p> <p>In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 a.m. the first working day after you receive notice of the misconduct.</p>			
<p>Assistance: <input type="checkbox"/> I do not request assistance <input checked="" type="checkbox"/> I request assistance by <u>Emory Smith #BH-9137 D/B</u> <i>no, not necessary, DC ADM 801 Sec E, 5-9</i> (The person requested must be willing to assist you)</p> <p>Witnesses: You may request witnesses in accord with DC-ADM 801. State the relevance and importance of the testimony the witness will give.</p>			
<p>1. Name of Witness: <u>Dana Gillingham</u> <u>DT-5265</u> <u>D/B</u> If Inmate No. Quarters Why is this person's testimony relevant and important? <u>He gave me the News Paper to hold. He was with me at Library, and was there when the C.O. started the incident. (Eye and ear witness.)</u></p>		<p>DO NOT WRITE IN THIS SECTION For Use by Hearing Examiner</p> <p>Witness permitted? <input checked="" type="checkbox"/> If not, why not?</p>	
<p>2. Name of Witness: <u>Both Individuals who signed: Reporting Staff.</u> If Inmate No. Quarters Why is this person's testimony relevant and important? <u>Because Staff Members Version DC-141 is untrue, and verbal testimony is required for Record, as there has been Constitutional Rights violations.</u></p>		<p>Witness permitted? <input checked="" type="checkbox"/> If not, why not? <u>Neither staff report - Report is sufficient as reported staff text will be.</u></p>	
<p>3. Name of Witness: _____ If Inmate No. Quarters Why is this person's testimony relevant and important?</p>		<p>Witness permitted? _____ If not, why not?</p>	
<p><u>Brett Culver</u> Inmate's Signature</p>		<p><u>[Signature]</u> Hearing Examiner's Signature</p>	
<p>This section to be completed by Housing Officer only Received completed form <u>0730</u> hours <u>4-14-00</u> Time Date <u>[Signature]</u> Housing Officer's Signature</p>			

DC-141 Rev. 6-84 DISCIPLINARY HEARING REPORT		PART II B COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS			
DC Number DD 3483	Name CULVER	Institution SLMATH	Hearing Date 4-17-00	Hearing Time 1205	No. from Part I A159045
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict:	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	
HEARING ACTION					
CHARGES B#8 - not guilty B#28 - not guilty					
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED					
<p><i>Culver states in attached version that he is permitted to have the newspapers according to all block rules. He was given the newspapers by DT 5265.</i></p> <p><i>In doing the handbook, it is clear that papers are permitted to be passed from cell to cell, not to be carried around when they are out there out of the cell block.</i></p> <p><i>DT 5265 stated under oath that he gave Culver his newspapers.</i></p> <p><i>I deny # 28.</i></p> <p><i>I defied for the officer's report over Culver's not guilty plea & his & his entire admission of Culver has in possession of someone else's newspapers, he is guilty of possession of contraband, not of another.</i></p> <p><i>Sent to - <u>Verdict Attached</u></i> <i><u>return to Class 2</u></i></p>					
<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> YES <input type="checkbox"/> YES <input type="checkbox"/> YES	<input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO	The inmate has heard the decision and has been told the reason for it and what will happen. The circumstances of the charge have been read and fully explained to the inmate. The opportunity to have the inmate's version reported as part of the record was given. The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.			<i>interfere with officer's duties</i> SEE APPENDICES <input checked="" type="checkbox"/>
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED)		Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.			
J.K. KANE		 SIGNATURE OF HEARING EXAMINER/COORDINATOR			

DC-141

PART II C

COMMONWEALTH OF PENNSYLVANIA

Rev. 6-84

HEARING SUPPLEMENT

INMATE VERSION AND WITNESS STATEMENTS

DEPARTMENT OF CORRECTIONS

DC Number	Name	Institution	No. from PART I
DD3483	Culver, Brett	SCIMAH	A159045

INMATE'S VERSION

4-13-00 I was on the Block waiting to go to Library at 2:30 PM. As I was going to the library, another inmate ~~was~~ ^{going with} me asked me if I would put his News paper in my pocket (Coat), because he had no pockets or Coat to put or carry it in.

Went to Library for 15 min. Left was stopped by Desk D.C.O. who asked me if I was at Law Library. I said No. He asked me what I had. I gave him my Book that I signed-out ~~which~~ (which I never got ~~back~~ back), and my folder of Legal material. He asked me what it was. I told him "Legal Work". He then asked me to empty my pockets, and I then gave him the rolled-up news paper, my hat, a pen, my address book, and I.D. Card. The C.O. kept asking me about my VendorCard whereabouts.

The C.O. tried to say that I wasn't allowed to have Legal Work. He then said I was getting a Misconduct for having Legal Work. He said he was keeping my materials, and asked if I wanted a Confidentiality slip. I said Yes.

Now that this C.O. has found he ~~was~~ is wrong, and has violated my rights, his contention is a fabricated story about the Legal Work being in the news paper, as if I was hiding it, or wasn't suppose to have it or something.

As to the innuendo of the News Paper being contraband. Inmate Handbook page 4 Cell Block Rules 5 says News Papers can be passed on to other inmates. This cancels Cat D #8 (Note that DT-5265 did not receive DC Cat B #8 is also void. The Inmate Handbook, Inmate Handbook Supplement, and the Inmate Library Procedures has no restriction for News Papers or Legal Materials brought to Lib.

WHITE - DC-141

LOCATION: 7173618165

YELLOW - Inmate Cited

PINK - Staff Member Reporting Misconduct

RX TIME

05/06 '03 09:47

GOLDENROD - Deputy Superintendent

*Submitted 4-28-03*DC-141 PART II E
MISCONDUCT HEARING APPEALCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC Number	Name	Institution	No. from PART I
DD3483	Brett Culver	SCI Mahanoy	# A159045

I was found guilty of misconduct # A159045 on 4-17-00 (date) by the Hearing Committee/Examiner, and I wish to appeal that decision on the following grounds:
Check Area(s) Involved

- a. The procedures employed were contrary to law, Administrative Directive 801, or to the ICU Consent Decree;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.



Below is a brief statement of the facts relevant to my claim(s). It includes the identity of all persons who may have information which may be helpful in resolving this matter.

The charge being Class 1 cat B #8 Possession of Contraband must be Dismissed, as for DOC Handbook page 4 Cell Block Rules 5. states clearly that; Passing of items other than newspapers or magazines between cells is forbidden. This clear directive states that newspapers or magazines may be passed between inmates, therefore can not be considered contraband (unless stolen I suppose).

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

DC-141 Part III

Program Review Committee

☒ Misconduct Appeal☐ Periodic Review☐ OtherDC Number
DD-3483Name
Culver, BrettInstitution
SCI MahanoyDate of Review
5/4/00Misconduct #
A159045

PROGRAM REVIEW COMMITTEE'S DECISION AND ITS RATIONALE

Inmate Culver appeals based on:

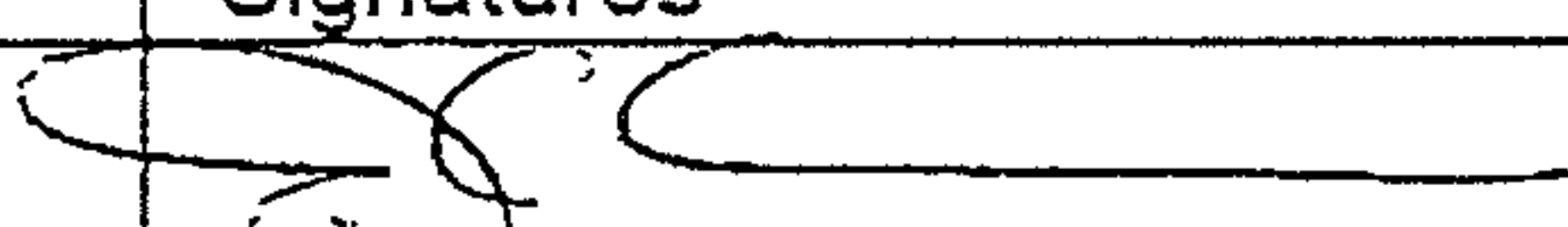

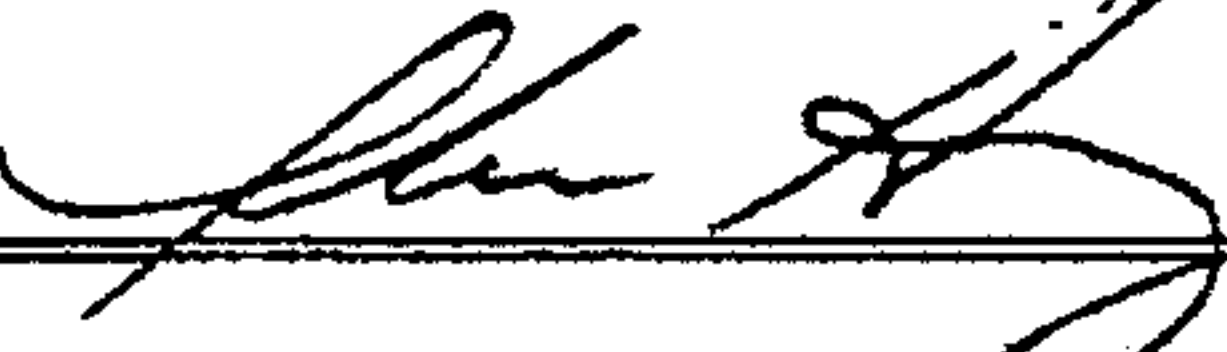
- a. The procedures employed were contrary to law, Administrative Directive 801, or to the ICU Consent Decree.

The PRC has reviewed the available information concerning this misconduct including the report of CO Miknich, the findings of the Hearing Examiner, and inmate Culver's appeal.

Inmate Culver's appeal is based on the premise it is contrary to ADM-801 or law. The PRC could find no violation of ADM-801 or law. Inmate Culver is correct in citing the inmate handbook, page 4, Cell Block Rules. It does state "Passing of items other than newspapers or magazines between cells is forbidden." The key words in that sentence are "between cells." Inmate Culver was passing a newspaper in the Program Services building, not on a cell block. It should also be noted that the Hearing Examiner offered leniency to inmate Culver by simply reducing it to a Class II misconduct, whereas under the old ADM-801, he could have received 15 days DC time. The sanction of the Hearing Examiner is sustained.

DECISION RELATIVE TO HEARING EXAMINER'S VERDICT

☐ Not Applicable ☒ Sustain ☐ Amend ☐ Refer Back for Further Study ☐ Exonerate

Names of Program Review Committee	Signatures	Date
John Corbacio, Activities Manager		5-5-00
Brenda Wildenstein, Unit Manager		5-4-00
Thomas Hornung, Unit Manager		5/5/00

RECEIVED

MAY 11 2000

DC-141
MISCONDUCTPART II
SUPERINTENDENT'S OFFICE
HEARING APPEALCOMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONSDC Number
DD 3483

Name

Brett Culver

Institution

SCI Mahanoy A159045

No. from PART I

I was found guilty of misconduct # A159045 on 4-17-00 (date) by the
Hearing Committee/Examiner, and I wish to appeal that decision on the following grounds:

Check Area(s) Involved

- a. The procedures employed were contrary to law,
Administrative Directive 801, or to the ICU
Consent Decree;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.



Hearing Examiner
Disregarded DOC pg
5. And Based
his verdict on DOC
801-2 (A) MC 8.
(Which has already been
over-ruled by DOC pg
5. as established)

Below is a brief statement of the facts relevant to my claim(s). It includes the identity of all
persons who may have information which may be helpful in resolving this matter.

As always, the information and accusations used
by Administrative Officials to manipulate and corrupt
DC Directives and facts are again false and in error.

#1. DOC Handbook establishes that inmates are permitted
to pass Newspapers and Magazines. "Therefore" the
Newspaper in question is not Contraband.

#2 PRC Officials Falsely accuse that I was passing
newspapers in the Program Service Building.

This is an out-right lie! The Newspaper was
in my coat pocket, as it was given to me
earlier that day on D-B Block. (See also that I and Gillingham are
Both on D-B)

#3 The Misconduct was for the Charge of
Contraband. In fact, the Misconducts were

written on the premise that the Newspaper
was Contraband because it had Dana
Gillingham's name on it. That is the

contention in question in this Appeal. That
is the Charge of the Misconduct. The lying
allegations by CO Miknich and PRC Officials are void.

The fact that a Newspaper was in my ~~coat~~ coat pocket
has no bearing whatsoever, nor was this the offence cited.

There LOCATION: 7173618165 717 WHITE-DC-15 RX TIME 05/06 '03 09:47

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Mahanoy
(570) 773-2158

Date: 12 May 00

SUBJECT: Superintendent's Response
Appeal of Misconduct #A159045

TO: Brett Culver, DD-3483

FROM: 
R. Shannon
Superintendent

You were found guilty of the above misconduct. You appealed on the following grounds that:

- a. The procedures employed were contrary to law, Administrative Directive 801, or to the ICU Consent Decree;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.

I have reviewed this misconduct and the Program Review Committee's decision and your appeal with the following results:

- ☒ APPEAL DENIED
- ☐ APPEAL SUSTAINED
- ☐ APPEAL IS BEING RETURNED FOR INSUFFICIENT INFORMATION

RATIONALE:

In support of your claims you quote only a portion of the handbook. The bottom line is that newspapers are permitted to be exchanged cell to cell, **not** to be taken off the block. Once off the block, it becomes contraband/borrowed property of others.

No one has accused you of anything. Staff reported the facts, facts that you do not dispute. The Hearing Examiner found you guilty, then issued the lenient sanction befitting such a minor infraction. I concur with those findings.

RDS:ms

cc: DSFM Ms. Bosavage Mr. Homung file
DSCS Mr. Corbacio Control
LOCATION: 7173618165 Ms. Wildenstein RX TIME 05/06 '03 09:47

H-1
BRETT CULVER DD-3483
SCI MAHANAY
301 MOREA ROAD
FRACKVILLE, PA. 17932

May 27th, 2000

SUBJECT: Appeal of Misconduct #A159045
For Final Review, From Response
Dated: 12 May 00, (Received 5-23-00)

TO: Robert S. Bitner
Chief Hearing Examiner
1451 N. Market Street
Elizabethtown, PA. 17022

OFFICE
OF THE

MAY 31 2000

CHIEF
HEARING EXAMINER

FROM: Brett Culver DD-3483
H/Unit D-B Cell 50

Superintendent R. Shannon responds to the appeal in support of the Misconduct, that is not only based on false allegations, but is contrary to DOC directives.

This Administrations soul argument is that; I only quote a portion of the handbook (DOC pg.4 Cell Block Rules): This also is untrue. I submitted the DOC pg.4 Cell Block Rules quotation because it is the only reference to newspapers and magazines. DOC Handbook submits these articles as not being considered contraband, and permitted to be passed on to other inmates. As to the insistent statement of argument by this Administration; "permitted to be exchanged cell to cell:", this is a generalized statement made in reference to newspapers and magazines being non-contraband items for exchange between "inmates." To support this evident fact, nowhere in the DOC Handbook does it state that newspapers, magazines, or whatever "must be exchanged from one cell to another cell, as the only procedure for exchange exempt from making a article contraband, as this Administration tries to insinuate by manipulation of words. If this Administration demands this contention of words, then I will need to see DOC Directives that state what this Administrations contends in support of the alleged misconduct for my acknowledgement.

Because this Administration practices Deliberate Indifference against me in this matter as well as others, I appeal that all SCI Mahanoy Administrative contentions related to these issues be outlined and cited by DOC Directives.

30H-2

In reference to Mr. Shannon's quote; The bottom line is that newspapers are permitted to be exchanged cell to cell, not to be taken off the block. Once off the block, it becomes contraband/borrowed property of others. "I know this to be a false assertion, and not supported by any DOC Directive, Inmate Handbook Supplement, SCI Mahanoy D Unit Handbook, or Inmate Library Procedures pamphlet. There is no reference made anywhere that newspapers become contraband if taken off the Block. Or that newspapers cannot be taken to the library. The situation of issue is that I had a folded-up portion of newspaper in my coat pocket. The newspaper was not passed-off to me at the Education Building, nor was it a implement of a crime. Because officer Miknich was harassing me, and violated my constitutional rights by confiscating my Legal Documents (and latter finding out that he would be liable to legal action for taking the Legal Documents), he then Lied and made-up this Misconduct about contraband and the Legal documents being in the contraband (a library book was also taken from me by Miknich). But instead of this Administration correcting the incident and meritless lies made against me by this corrupt officer, all the lies and corruption has been supported and defended by all the official offices at SCI Mahanoy, with fabricated rules and stories that are being made-up as these issues progress.

The responses by the Hearing Examiner, PRC, and the Superintendent at SCI Mahanoy for Misconduct #A159045 are incorrect, falsified, and unsupported by DOC Directives and/or Procedures. If any further support is to be given to any of this Administration's contentions, then DOC Directives will have to be cited for any-and-all arguments for my acknowledgement.

The SCI Mahanoy Administration has consistently lied, accused, manipulated, and changed "its own version" of events concerning these contentions of misconduct. And I have emphatically disputed all these lies, accusations, and manipulated contentions made (and/or supported), by officer Miknich, the Hearing Examiner, the PRC, and now Mr. Shannon.

If this Misconduct #A159045 is to be upheld, DOC Directives will have to be cited to support the allegations and contentions submitted (as they are) by the SCI Mahanoy Administration. If such citations cannot be submitted for acknowledgement and verification, then this Misconduct #A159045 cannot be upheld!

BTC:lt

cc: K.R.Stuber Esquire
LOCATION:7173618165

RX TIME 05/06 '03 09:47

Brett C. Stuber

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
1451 N. MARKET STREET
ELIZABETHTOWN, PA 17022

OFFICE OF THE
CHIEF HEARING EXAMINER

June 7, 2000

Brett Culver, DD-3483
SCI Mahanoy

Re: DC-ADM 801 - Final Review
Misconduct No. A159045

Dear Mr. Culver:

This is in response to your appeal to final review of the above numbered misconduct.

In accordance with DC-ADM 801, VI, L, 3, I have reviewed the entire record of this misconduct; including the misconduct report, the hearing report and related documents, your appeal to the Program Review Committee and their response, your appeal to the Superintendent and his response. I have also thoroughly reviewed the issues you raise to final review.

The issues you raise to final review have already been addressed by the Program Review Committee and the Superintendent. On review of the record, this office concurs with their responses. I find no persuasive basis from which to conclude that the Examiner erred in conducting the hearing. The Examiner specifically documented findings of fact based on evidence presented at the hearing to support the decision. The procedures followed were in complete accordance with DC-ADM 801, §VI. The sanction imposed is not viewed to be disproportionate to the offense, and therefore will not be amended at this level. While you argue that the institution practices "deliberate indifference" towards you, the record establishes that you were guilty of possession of contraband and property of another inmate. The reduction of the misconduct to Class II and lack of disciplinary sanction is an obvious result of the examiner considering the mitigating circumstances.

For the above-stated reasons, the responses provided by the Program Review Committee and the Superintendent are upheld in full. Your appeal must, therefore, be denied.

Sincerely,



Robert S. Bitner
Chief Hearing Examiner

RSB:bjk
pc: Superintendent Shannon

ATTACHMENT D

RECEIVED

DC-135A

APR 17 2000

**SUPERINTENDENT'S OFFICE
SCI MAHANAY**

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER) <i>Mr. Shannon [Signature] Superintendent</i>		2. DATE <i>4-14-00</i>
3. BY: (INSTITUTIONAL NAME AND NUMBER) <i>Brett Culver DD 3483</i>		4. COUNSELOR'S NAME <i>Barsh</i>
5. WORK ASSIGNMENT <i>—</i>	6. QUARTERS ASSIGNMENT <i>D-B</i>	
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS. <i>My Legal documents were Illegally taken from me 4-13-00</i> <i>#1 This is a Illegal Confiscation of Legal documents which</i> <i>violates my Constitutional Rights.</i> <i>#2 This violation has and is; Obstructing and Hindering Legal</i> <i>pursuits, and my Constitutional Rights to pursue Legal</i> <i>remedies.</i> <i>I demand the return of my Legal Documents.</i> <i>Violators include the Confiscating C.O.'s who conspired</i> <i>to Confiscate the Legal Documents with the issuance of the</i> <i>DC-141 #A159045, also the Approving C.O. of #A159045, The</i> <i>Supervisor on Duty 4-13-00 1510 PM., The Supervising staff</i> <i>of the Property Office where the Legal Documents are</i> <i>being held.</i> <i>#3 This is also a violation of Harassment as proven by the</i> <i>Administrative Personels support of the merit-less</i> <i>Misconduct issued, and the continued Confiscation of person</i> <i>al Legal papers.</i> <i>#4 Abuse of Authority, as demonstrated by SCI Mahaney Admin Officer.</i> <i>If not intentional, then #5 Incompetence in Capacity of Duties</i> <i>Try contacting the Property Room directly with your complaints. That would be more</i> <i>appropriate if seeking resolution to your concerns.</i>		
8. DISPOSITION: (DO NOT WRITE IN THIS SPACE) <i>[Scribbled out text]</i>		
<div><div><input checked="" type="checkbox"/> TO DC-14 CAR ONLY</div><div><div>cc: Unit Mgr Chismar Lt. Mahally</div><div><i>B. Shannon, Dept</i> 17 Apr 00</div></div><div><input type="checkbox"/> TO DC-14 CAR AND DC-15 IRS</div></div>		
STAFF MEMBER		DATE

DC-135A

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF CORRECTIONS

INMATE'S REQUEST TO STAFF MEMBER

RECEIVED

APR 25 2000

SUPERINTENDENT'S OFFICE
SCI MAHANAOY

INSTRUCTIONS

Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

2. DATE

3. BY: (INSTITUTIONAL NAME AND NUMBER)

4. COUNSELOR'S NAME

5. WORK ASSIGNMENT

6. QUARTERS ASSIGNMENT

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

I suppose your ^{aware} of this ~~also~~, but I'll need your response anyways. This is yet another spin-off of the request I sent to you 4-14-00 about a CO Taking my legal work then filing a false report (Misconduct) to cover-up his violation of taking my Legal work. The next time I seen him I ~~confronted him~~ confronted him for lying on me by saying "Quote; What's the matter, cant tell the Truth? Unquote." ^(These are the only words I said.) Later that night I'm taken to RHU and get a Misconduct stating I threatened him and his family. It seems to be nothing to this CO to manipulate this entire Administration with lies against inmates he wants to "personally" persecute, knowing the Administration will support and promote his "personal" corruption of the System. Anyways, even as this Administration supports and promotes

8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)

such acts of corruption, I was held in RHU for 7 days before I finally received a Hearing. (4-17-00 to 4-24-00.) This violates DC-ADM G. 1. of a 6 Calendar day time limit. When I asked about this I was told it was 7 working days; But that is untrue." The Misconduct was dismissed at the Hearing, but Examiner Kane said he wanted time for the Misconduct to be rewritten. After I got the Verdict Receipt (DC-141 Part II B) I seen that Kane had Back Dated the Hearing Date on it to 4-21-00, "But it was the 24th." This was done to keep the Misconduct valid on Time frame. Did Kane not also lie? Is this not collaborating corruption? In any event, going by the Back-Dated 4-21-00 (Now) The new rewritten Misconduct 4-24-00 is 3 days over the reissuement time Period. Either way these Misconducts (False allegations) must be thrown out. What is your position since these offices and officials are in violation? I'm still being punished in RHU for doing no wrong or committing any error, awaiting further action by Hearing Exam.

☐ TO DC-14 CAR ONLY☐ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

DATE

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Mahanoy
(570) 773-2158

25 April 00

SUBJECT: Response to Correspondence

TO: Brett Culver, DD-3483, RHU

FROM: R. Shannon, *R. Shannon, Supt.*
Superintendent

You are incorrect in your assumption that I should be aware of your situation. There being 1,960 other inmates here besides you, I am not aware of your most recent plight.

The issues included in your request slip may be matters to be considered as part of any misconduct appeal. If you wish to process an appeal, then do so. It would be inappropriate for me to address your concerns otherwise. You also have a chain of command in which to pursue your concerns. That process does not begin at my doorstep. I will take no further action until you follow proper procedures as required.

I also note that you have sought to gain transfer return to Western Region. It will not happen if you cannot resolve your conflicts here.

RDS:dy

cc: DSFM Petruccio
Lt. Henrickson
U.M. Chismar
DC-14
file

DC-135A

INMATE'S REQUEST TO STAFF MEMBER

RECEIVED

APR 27 2000

SUPERINTENDENT'S OFFICE
SCM/MAL/NOV

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF CORRECTIONS

INSTRUCTIONS

Complete Items Number 1-4. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.

1. TO: (NAME AND TITLE OF OFFICER)

Mr. Shannon

Superintendent

2. DATE

4-26-00

3. BY: (INSTITUTIONAL NAME AND NUMBER)

Brett Culver

DP 3483

4. COUNSELOR'S NAME

Barsh

5. WORK ASSIGNMENT

6. QUARTERS ASSIGNMENT

RHU

7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.

As to your letter dated 25 April 00. The issue here is; one of your employees is falsifying Record Documents by Back Dating events on Record that time limitations had expired on. Any appeal would only show the falsified Back Date on Records, and not the actual date of events. Also, I can not appeal this issue through the Appeal system, because the Misconduct was dismissed. (See DC Handbook) These Documents were subject to dismissal "without Prejudice" then Back Dated 3 days because the time limitations for the Hearing had ~~exp~~ expired prior to the hearing. These Falsifying of Dates on these Proceedings done By Kane were done so he could have another Misconduct rewritten with a fresh time limitations so he could prosecute a expire issue.

Not one of Administrative offices will address this issue. I kinda thought you were in charge of these Administrative offices. By your letter, I take it that you fully support corruption within your Administration, and these actions by Kane of Falsifying Institutional Documented Records. ~~that~~ These acts of corruption in which you have been informed of and demonstrate support of within this Administration has been noted.

I have addressed this matter as have other staff. Your claims cannot be substantiated.

CC:

☒ TO DC-14 CAR ONLY

CC: Unit Mgr Chismar

☐ TO DC-14 CAR AND DC-15 IRS

STAFF MEMBER

R. Shannon

DATE

27 APR '00

ATTACHMENT E

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

MAH-0286-00

TO: GRIEVANCE COORDINATOR <i>Carol Datter</i>	INSTITUTION <i>SCI Mahanoy</i>	DATE <i>6-8-00</i>
FROM: (Commitment Name & Number) <i>Brett Culver DD3483</i>	INMATE'S SIGNATURE <i>Brett Culver</i>	
WORK ASSIGNMENT	QUARTERS ASSIGNMENT <i>D-B</i>	

INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance:

(upon leaving library at 2:00 PM.)
On 6-7-00 C.O. Miknich tried to instigate a fight with me. This relates to the "continuous" Harassment by this C.O. on my person since 4-17-00 till present. This Harassment by this C.O. (who is stationed at Education Bldg. Desk) has hindered my efforts to pursue Legal Work and Remedies at Law Library. I have been forced to avoid all contact with (exposure) this C.O.. He has consistently lied against my person, filed false allegations of Misconducts against my person, issued threats, and instigated fights by Harassment and jeering. (Also taking legal work) To this date this Administration has refused to establish any means of relief from this Harassment I endure from this lying Corrupt individuals abuse of position and authority. As of this

B. Actions taken and staff you have contacted before submitting this grievance:

Date this Administration has supported and promoted this C.O. (Miknich) Harassment

3 Prior Grievances, some ignored, one pending disposition. Letters to Camp Hill Administrators by myself & Family. Requests for personal escort from library day of incident (refused) Miss Jane

Your grievance has been received and will be processed in accordance with DC-ADM 804.

C. Datter
Signature of Grievance Coordinator

I wish to WITHDRAW THIS GRIEVANCE AS PER MY CONVERSATION WITH LT. Mary Jane Hes. 6/20/00 (Date) Brannan on 6/25/00 & Brett Culver

DC-804
PART 1

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA. 17001-0598

OFFICIAL INMATE GRIEVANCE

GRIEVANCE NO.

TO: GRIEVANCE COORDINATOR <i>Carol Dotter</i>	INSTITUTION <i>SCI Mahanoy</i>	DATE <i>8-4-00</i>
FROM: (Commitment Name & Number) <i>Brett Culver DD3483</i>	INMATE'S SIGNATURE <i>Brett Culver</i>	
WORK ASSIGNMENT	QUARTERS ASSIGNMENT <i>D-B</i>	

INSTRUCTIONS:

1. Refer to the inmate handbook Page 12 and DC-ADM 804 for information on the inmate grievance system.
2. State your grievance in Block A in a brief and understandable manner.
3. Next, you are required to list in Block B the specific actions you have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Brief, clear statement of grievance:

A SCI Mahanoy Administrative Obstruction - Hindrance of Legal Pursuits and/or Legal Remedies. Seizure of Legal Work/Documents/Records. Obstruction of Library Facilities and Services of Law Library and Copying Service. The Administration at SCI Mahanoy has committed, conspired, collaborated, and supported acts/actions/events to Obstruct, hinder, or seize any efforts by my person to pursue legal relief and remedies. Legal Documents/Work/Record and Court Transcripts related to my Conviction Case, and that of a Legal Actions being pursued for Damages received from a Inmate attack have been seized "and withheld" by this Administration since 4-13-00. Time Limitations on Legal Pursuits have been compromised

B. Actions taken and staff you have contacted before submitting this grievance:

by this seizure. I'm now seeking the return of these documents, and damages.

5 or 6 prior Grievances on these issues which have been sabotaged, manipulated, or abolished by this Administration, and supported by Comph Issur Reports to various Law Firms, Government Agencies for relief.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Grievance Coordinator

Date

Commonwealth of Pennsylvania
Department of Corrections
SCI Mahanoy

August 9, 2000

Subject: Returned Grievance

To: Brett Culver, DD3483
D/B

From: Carol M. Dotter
Corrections Superintendent Assistant

This grievance is being returned without action because Grievance No. MAH-0286-00 was withdrawn as per your request on 6/25/00. You cannot file a second grievance on the same issue.

cc: File.4

Commonwealth of Pennsylvania
Department of Corrections
SCI Mahanoy

August 9, 2000

Subject: Returned Grievance

To: Brett Culver, DD3483
D/B

From: Carol M. Dotter
Corrections Superintendent Assistant

This grievance is being returned without action because these issues have already been addressed in Grievance Nos. MAH-0217-00 and MAH-0286-00. If you are not satisfied with the responses received from the Grievance Officer, you should have used the appeal procedures outlined in the DC-ADM 804. You cannot, however, file a second grievance on the same issues.

Your claims of duress by Lt. Brennan will be addressed.

cc: File.5

August 11, 2000

SUBJECT: Re-submit Initial Grievance (8-4-00)
With Response to C.Dotter Return (8-9-00)

TO: Grievance Coordinator
Carol M. Dotter

FROM: Brett Culver DD-3483
H/Unit D-B

In your Return (8-9-00) of Grievance (8-4-00) you submit that this Grievance was returned because the issue was addressed in Grievance No. MAH-0217-00. This however is inaccurate. Although the Administration at SCI Mahanoy has used every means of cunning and contriving deception to allude mention or responsibility for the seizure of my Legal Documents/Work/Records, the Initial Review Response by a William Banto (5-10-00) left the issue of my seized Legal Documents/Work/Records pending resolution. Also, my Legal Documents/Work/Records were never identified as Contraband. Legal Work, Documents, and Legal Records cannot be in any situation or circumstance considered Contraband, or be seized at any time.

After I received the inaccurate response of Initial Review Response (MAH-0217-00) William Banto 5-10-00 (that left the Decision on my Legal Documents/Work/Records pending), I then submitted a Correction Response to the William Banto (5-11-00). There was never any further Administrative response to these issues that were left pending, and I have been prevented from pursuing a resolution or relief on any of these issues.

At the Hearing 4-17-00 related to the seizure incident, Hearing Examiner Kain stated that he did not understand why C.O.Miknich confiscated the Legal Documents/Work/Records. He also said that I should contact the Property Office for their return. At no point, in the misconduct report, at the Hearing, or in the decision were these Legal Documents/Work/Records ever cited or identified as contraband, which would be impossible for them to be contraband.

There never was a decision entered on this issue in MAH-0217-00 as you contend.

Of note is the continued harassment by C.O.Miknich to my person, with the continued tolerance, justification, and support by the SCI Mahanoy Administration.

The Official Offices (chain of process) at SCI Mahanoy are non-compliant with proper procedures in processing these issues of Grievance. Therefore, Grievance No. MAH-0217-00 is still pending a decision at the Grievance Office level. And since there has been no Administrative response for a final decision on this issue, or Administrative relief from the continued harassment by C.O.Miknich, the Re-submitted Grievance 8-4-00 included is appropriate for process on these unresolved pending issues.

Also, there was never any decision entered into record on MAH-0286-00 as you contend (8-9-00). After submitting MAH-0286-00 to the Grievance Coordinator three times (6-8-00, 6-13-00, 6-20-00) I was then called to the Property Office at 8:40 PM (6-25-00), coerced into signing-off on MAH-0286-00, and directly afterwards submitted a declaration of: Condition to Signature Under Duress 6-25-00. There was never any Administrative response on these issues.

MAH-0286-00 also has no disposition, and has been obstructed from process by Administrative actions.

The situation of Administrative incompetence, or intentional non-compliance to process in regard to both MAH-0217-00 and MAH-0286-00 has been documented.

cc: C.Dotter

MAH-0217-00

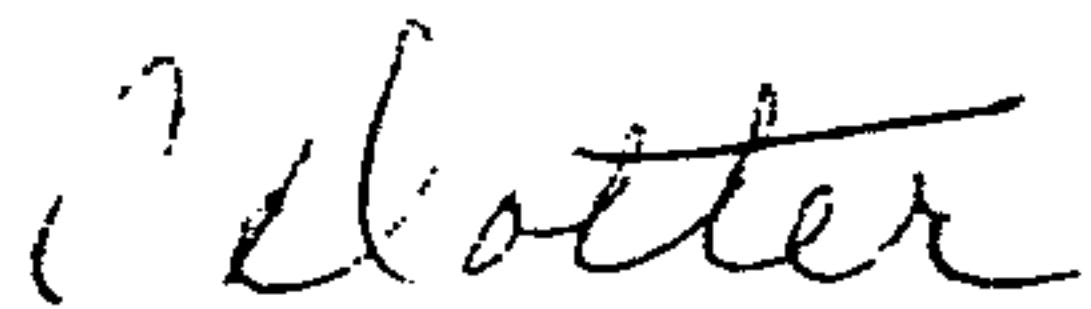
MAH-0286-00

Commonwealth of Pennsylvania
Department of Corrections
SCI Mahanoy

August 11, 2000

Subject: Returned Grievance

To: Brett Culver, DD3483
D/B


From: Carol M. Dotter
Corrections Superintendent Assistant

This grievance is being returned for further direction from you. You claim you withdrew Grievance No. MAH-0286-00 because you were threatened by SCI Mahanoy Officials. You state you were coerced/intimidated to sign off on the grievance. I need to know which way you want to proceed.

If you prefer, you may re-file Grievance No. MAH-0286-00, and it will be re-investigated and a response provided by the Grievance Officer. This will be initial review according to the DC-ADM 804.

OR

If you want the allegations of signing under duress investigated, you need to be more specific. Exactly who and how were you placed under duress? Detailed information identifying staff members and dates will be needed to complete a proper investigation.

Let me know how you want to proceed.

cc: Supt. Shannon
File.6

Commonwealth of Pennsylvania
Department of Corrections
SCI Mahanoy

August 16, 2000

Subject: Returned Grievances

To: Brett Culver, DD3483
D/B



From: Carol M. Dotter
Corrections Superintendent Assistant

These grievances are being returned again. You are not following proper procedures according to the DC-ADM 804 and you aren't following my directions when I try to explain them to you.

For the last time, the issues involving confiscated items were addressed in Grievance No. MAH-0217-00. If you were not satisfied with the decision of the Grievance Officer, you should have appealed the matter to the Superintendent. You did not. Now it is too late and these issues will not be addressed again.

Regarding Grievance No. MAH-0286-00, I wrote you asking whether you wanted to re-file the grievance and have it reinvestigated? Yes or no? Just let me know.

Also, if you want the claims coercion investigated, please provide specifics, such as who intimidated you? How were you obstructed from the process by being forced under duress to sign off on the grievance? You didn't receive a response to these claims because they couldn't be investigated without this information. I await further information on this matter.

cc: File.7

August 18, 2000

SUBJECT: Response on Returned Grievances (Personal File 36 & 37)
Carol Dotter August 16, 2000

TO: Carol Dotter
Grievance Coordinator

FROM: Brett Culver DD-3483

Mr. Culver,
As I told you in
my previous response,
MAH-0217-00 will
not be addressed as
initial review again.
MAH-0286-00 will be
re-filed.
C. Dotter
8/18/00
Sent to St. Brennan
8/18/00

If you would examine the record on the issues, you would notice that: #1. The Legal documents/work/records taken from me by C.O. Miknich were never implicated or cited as contraband, even in his fraudulent misconduct report #A159045. #2. At the Hearing on #A159045 Examiner Kain stated that he did not understand why C.O. Miknich took the Legal documents/work/records from me, and that I should contact the Property Office about getting them back. Also in Hearing Examiner Kain's decision DC-141 PART II B the decision was to revoke the newspaper that was cited as the contraband (in violation of DOC Directives). But again, this has nothing to do with the Legal documents/work/records seized by C.O. Miknich. #3. In William Banto response 5-10-00 on #MAH-0217-00 DC-804 PART II he implies that the items confiscated and determined contraband were to be revoked. The newspaper was the only item to be identified as contraband (in violation of DOC Directives), and my Legal documents/work/records were never mentioned in this William Banto Response. But we all know the deceptive means at play in this William Banto Response. Unfortunately, William Banto needed to be more concise, because he left the entire Grievance #MAH-0217-00 undetermined and open by his final statement: "This issue will be further discussed with appropriate staff as I explained to you." I'm still waiting for him to discuss the issues with the appropriate staff and give me the initial decision on these undetermined issues. #4. After speaking with Unit Manager Chismar on the issue of the withheld Legal documents/work/records, she looked at the Hearing Examiner decision on #A159045 and said that even though the Legal documents/work/records were not identified as Contraband, the decision was to have the contraband revoked. She said that means it was to be returned to me. That is the complete opposite of what William Banto stated. I tend to agree with Unit Manager Chismar, because all other misconducts of contraband I have ever received have stated that the contraband is to be destroyed (if not to be returned). The American Heritage Dictionary states: REVOKE. To void or annul by recalling, withdrawing, or reversing....to call back. I suppose this term is used to imply any changeable interpretation the Official wants to use to cover all bases as the need arises. Just as everyone who interprets it "now comes up with a totally different interpretation (because all Officials are not together to conspire the agreed implication). As the definition goes on it's own merit, the definition favors: "void, withdraw, reverse (the contraband). And all of this "only implies the newspaper!"

Where is there any mention of my Legal documents/work/records?

Where "are my Legal documents/work/records?!"

I now resubmit my file number 36 and 37 Grievances.

Your Official response no longer matters. These issues are being entered into a Legal Action. Your actions and handling of these issues has been documented.

cc: C. Dotter
K.R. Stuber esquire

Brett Culver

Case 1:01-cv-00904-YK-KH Document 72-4 Filed 05/09/2003 Page 27 of 100

BRETT CULVER DD-3483
H/Unit D-B

August 18, 2000

SUBJECT: Response to Returned Grievance
Carol Dotter 8-11-00

Re: Grievance No. MAH-0286-00

TO: Carol Dotter
Grievance Coordinator

FROM: Brett Culver DD-3483

First of all, in fairness to Lt. Brennen, I want to clear-up any misconception to the facts. Lt. Brennen was the Official that wanted me to sign-off on Grievance No. MAH-0286-00 on the June 25, 2000 incident. But I would like to call attention to the last entree made in my: Conditions to Signature Under Duress MAH-0286-00 dated 6-25-00. This entree to the events refers to Lt. Brennen.

It would take extensive reports of prior and present events, conduct, circumstances, situations, indifferent treatment, punishments, and dishonest actions committed to my person by the Administration to explain the threatening elements, situation, and atmosphere that resulted in the sign-off under duress 6-25-00 MAH-0286-00.

Therefore, it will be acceptable for MAH-0286-00 to be re-filed for process in hopes of establishing relief from the harassment (and personal punishment abuse) by C.O. Miknich.

Also, I need to establish separation or restraint orders to avoid any contact with C.O. Miknich. Please advise how I can secure this provision of protection from C.O. Miknich.

cc: C. Dotter
K.R. Stuber esquire

*Mr. Culver,
See your Counselor
about a separation.
Grievance # MAH-0286-00
is being re-investigated.
C. Dotter
8/24/00*

Brett Culver

DC-804
PART II

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
P.O. BOX 598
CAMP HILL, PA 17001

OFFICIAL INMATE GRIEVANCE
INITIAL REVIEW RESPONSE

GRIEVANCE NO.

MAH-0286-00

TO: (Name & DC NO.) Brett Culver DD-3483	INSTITUTION SCI-Mahanoy	QUARTERS D/B	GRIEVANCE DATE 6/20/00
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The following is a summary of my findings regarding your grievance:

In response to your grievance #MAH-0286-00, I spoke with Officer Miknich as well as other staff members and inmates that work in the Education Building and have found no evidence whatsoever to support your claims of being harassed and lied to by this individual. I did, however, discover that you apparently have, on occasion, disregarded the proper procedures for attending the Library and the Education Building in general. For example, bringing in unauthorized materials, etc. I believe that your allegations are either fabricated or imaginary and will not pursue this matter any further.

JB:js

cc: Deputy Petruccio
Deputy Kneiss
Mrs. Dotter
DC-15
COI Miknich
file

Refer to DC-ADM 804, Section VIII,
for instructions on grievance
system appeal procedures.

SIGNATURE OF GRIEVANCE COORDINATOR

Yt. J. B...

DATE

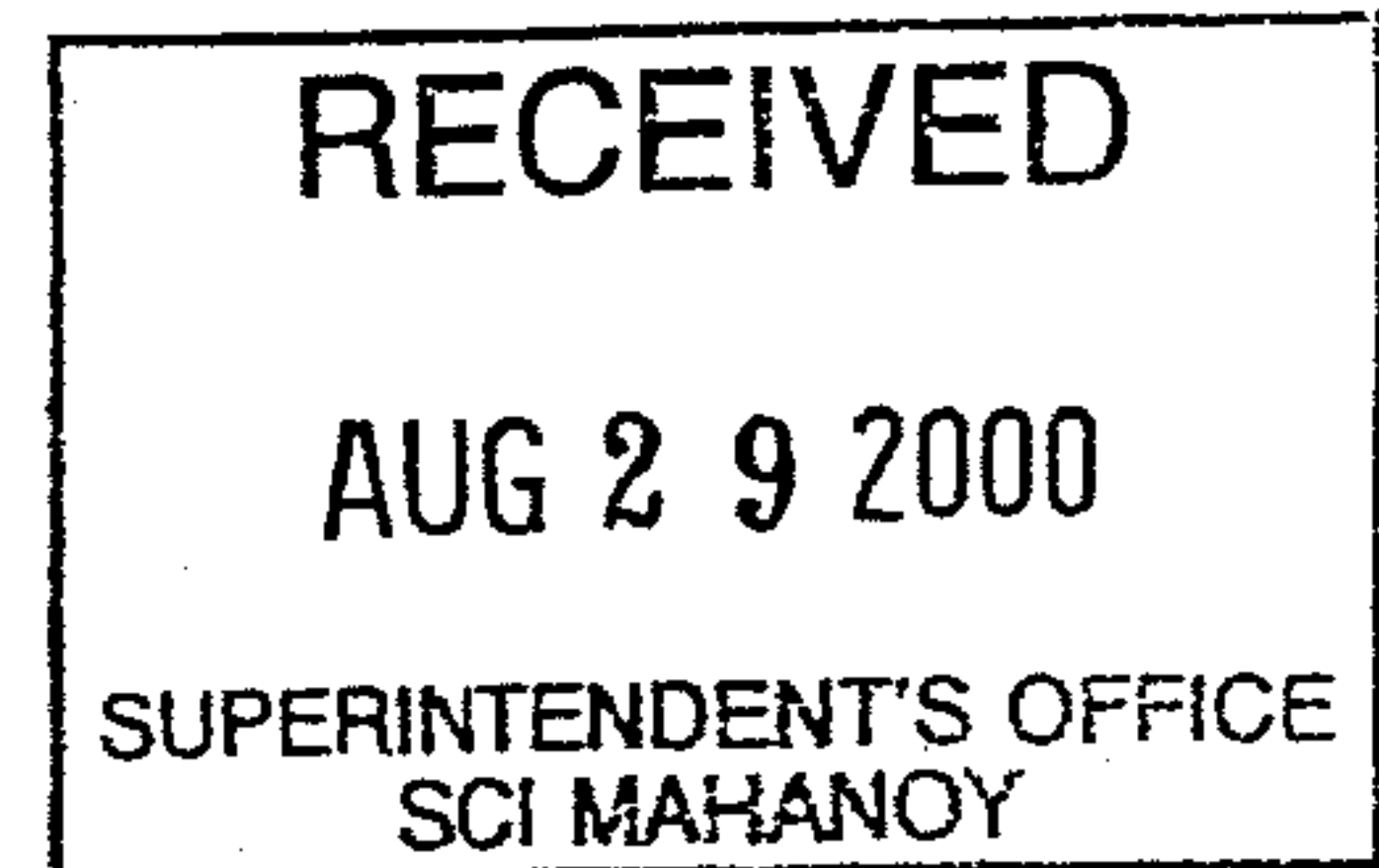
8/24/00

Case 1:01-cv-00904-YK-KH Document 72-4 Filed 05/09/2003 Page 29 of 100

3 N.

BRETT CULVER DD-3483
H/Unit D-B

August 26, 2000



SUBJECT: Appeal of DC-804 PART II
Initial Review Response
Lt. Brennen Dated 8-24-00

Re: Grievance No. MAH-0286-00

TO: R. Shannon
Superintendent

FROM: Brett Culver DD-3483

The statements made in Lt. Brennen's Initial Review Response on MAH-0286-00 are incredible. Again, Officials of this SCI Mahanoy Administration only put forth effort to utilize inaccurate unfounded excuses to dismiss issues without resolution.

Lt. Brennen conveniently bases his investigation on statement's received from Officer Miknich, "his work buddies, and inmates that could not have any idea who I might possibly be (Security Breaches by Admin. has forced me to isolate from population since transferred here). Also, the last time I had been harassed by C.O. Miknich was June 7, 2000. And that was the first time I went to the Library since April 17, 2000 (during C.O. Miknich shifts). There are two evident facts at this point: #1 No inmates here know who I am, and/or were present during any of these incidents. #2 Officer Miknich (corrupt foul-mouthed liar that he is) would hardly give any honest statement to the facts or admit his corrupt conduct when providing Lt. Brennen with biased evidence to dismiss the issues (as Lt. Brennen identifies C.O. Miknich as the source of the evidence). "How very convenient!"

In Lt. Brennen's haste to find the fastest means to discredit or dismiss the pending issues, he inadvertently entered into record solid evidence in support of the issues submitted in MAH-0286-00.

(A). A brief review of the Misconducts issued against me by C.O.Miknich will show that these Misconduct reports were issued consecutively, every time I went to the Library during C.O.Miknich's shift. A review of my prison record of 18 plus years will show that I've never had any repetitious misconducts from one Officer, as in this case. Also, in my 18 plus years in prison, I have "NEVER" received any Misconduct accusations like the ones made against me by C.O.Miknich. Neither have I ever had to report a Officer for harassment violations during this incarceration history.

To finalize the blatant proof of dishonesty, corrupt acts, and harassment by Officer Miknich is the fact that none of C.O.Miknich's extreme charges (allegations) held merit through Hearing Examinations. All the alleged charges were dropped down to unsupported minimal offences (and sanctions). Of note, Hearing Examiner Kain acknowledged and stated that, quote: "You really got screwed." unquote. This quotation was Hearing Examiner Kain's reference to Misconduct No. A159048, and the re-write Misconduct No. A273976, of which both kept me held in RHU for 2 weeks prior to any Hearing. After the Hearing I was immediately released via findings of meritless misconduct allegations made by Officer Miknich (Hearing of 4-28-00).

I must point out that if Officer Miknich's allegations would have had any merit or credibility, I would be doing around 2 years in RHU. "What are the evident facts about the issues at this point?!" Were Officer Miknich's allegations "truthful?!" Were they found credible or accurate? The Hearing Examiner certainly didn't think so! The Administration here at SCI Mahanoy can't have it both ways to fit any implication desired for any given situation. And yet this is what continues to be done by Officials of this Administration.

The evidence "and events show blatant misconduct by Officer Miknich's deliberate actions to manipulate the system, and committed acts of corruption by deliberate false allegations to inflict unjust punishments. This is abuse of authority by Officer Miknich and crimes of harassment against my person.

These are also Eighth Amendment violations I have been subjected to and still suffer because this Administration refuses to address these issues of responsibility.

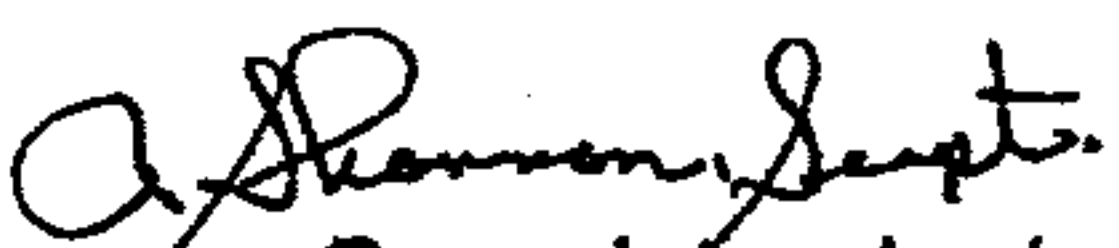
(B). Lt. Brennen goes on to enter more supporting evidence to the issues of MAH-0286-00 by confirming that "on occasion" I have disregarded appointments for attending the Library. A brief review of the record will show that I had to disregard those scheduled appointments, because they were appointment times scheduled during C.O.Miknich's shift. I also have documentation of requests sent to the Library Staff asking for appointment scheduling to avoid appointment scheduling during Officer Miknich's shift, explaining the problems involved. For some reason the Library Staff continued to schedule my appointments during C.O.Miknich's shift. If Lt. Brennen was competent and unbiased in his endeavors (Job) to investigate the issues, he would have seen the evident undisputable evidence supporting the facts.

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Mahanoy
(570) 773-2158

29 August 2000

SUBJECT: Response to Official Inmate Grievance
#MAH-0286-00

TO: B. Culver, DD-3483/RHU

FROM: 
R. Shannon, Superintendent

In preparing a response to this appeal, I have reviewed your initial grievance, the grievance response and this appeal. The following comments are provided:

Your grievance is viewed as being in violation of Administrative Directive 804 on several counts as follows;

- a) No genuine effort has been displayed on your part to resolve this concern before utilizing the grievance system.
- b) Your use of the grievance system is not seen as being in good faith or good cause as required and as displayed by your constant attacks against staff.
- c) Your grievance is neither brief, nor does it stick to the issue(s) at hand as required.

You've been counseled on several previous occasions and as recent as 14 August by your Unit Manager (Chismar) that you are to refrain from your personal attacks against staff that you continue to include in your correspondence(s).

In fact, Ms. Chismar has quoted your response as; "I am flooding offices with paperwork to create a headache for staff in retaliation for the "headache" I received by being housed in RHU on two occasions." You also, again, indicated that your aim is to gain transfer back to your home region.

As it appears obvious that you intend to abuse the purpose of Administrative Directive 804, then let this grievance response also serve as notice that you are hereby placed on a one grievance per month restriction, to continue until such time that your intentions fall within the required policy guidelines. This will serve as your grievance for August. Appropriate staff will be copied on this grievance restriction.

Also, please note that the real issue at hand here is your so-called denial of library access. Several staff, including Ms. Chismar investigated your claims and found that you are being scheduled for the library. That you choose not to go is your own doing.

Grievance appeal is, therefore, denied.

RS:sd

cc: Deputy Kneiss
Deputy Petruccio
Mrs. Dotter
U.M. Chismar
DC 15
file

ATTACHMENT F

DC-135A		RECEIVED COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS SEP 07 2000 INSTRUCTIONS Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.	
INMATE'S REQUEST TO STAFF MEMBER			
1. TO: (NAME AND TITLE OF OFFICER)		2. DATE	
R. Shannon Superintendent		9-5-00	
3. BY: (INSTITUTIONAL NAME AND NUMBER)		4. COUNSELOR'S NAME	
— Brett Culver DD-3483		Barsh	
5. WORK ASSIGNMENT		6. QUARTERS ASSIGNMENT	
		D-2B 22	
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.			
<p>The Harassment by Officer Miknich against me is well known among other employees at this facility. There are certain employees that inform me about conversations they have had, or heard about me from C.O. Miknich. *Today (9-5-00) I was told by one of these employees that Officer Miknich is actively seeking information concerning me from other employees on D-B. And this employee informed me that Officer Miknich was making improper statements in reference to me. This involves conspiracies and stalking. *All measures of security and protection have been denied by this Administration. I desperately tried to secure relief on these issues which has been denied. I tried to secure separation protection which has also been denied to this date. Everything I have tried to do to secure relief (protection from abuse) has been denied by this Administration "and your authority." This Administration has supported, facilitated, promoted, and endorsed all facets of harassment and hostilities against my person. *I cannot be held responsible or accountable for any actions on my part that might occur related to these situations being deliberately forced on my person.</p>			
8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)			
<p>Provide <u>names</u> to the Security Office. Give them something to work with and your accusations will be formally investigated as they have been previously.</p> <p>Also—you most certainly <u>will</u> <u>be</u> held accountable for your actions.</p> <p>Dep. Petruccio cc: Major McGrady—have his latest complaints investigated. Unit Mgr Chismar Adm Asst Dotter</p> <p style="text-align: right;"> <i>R. Shannon</i> 7 Sep '00 </p>			
<input type="checkbox"/> TO DC-14 CAR ONLY		<input checked="" type="checkbox"/> TO DC-14 CAR AND DC-15 IRS	
STAFF MEMBER		DATE	

MP

FORM DC-141		PART I		COMMONWEALTH OF PENNSYLVANIA		A 212770	
Rev: 6-84		<input checked="" type="checkbox"/> MISCONDUCT REPORT <input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS			
DC Number	Name	Institution	Incident Time 24 Hr. Base	Incident Date	Date of Report		
DD-3483	Culver, Brett	SCI-MAH	1515	9/5/00	9/18/00		
Quarters	Place of Incident						
RHU	Security Office						
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
DC Number	Name	I	W	DC Number	Name	I	W
Staff	COI Brennan		<input checked="" type="checkbox"/>	Staff	Superintendent Shannon		<input checked="" type="checkbox"/>
Staff	COI Engle		<input checked="" type="checkbox"/>				
Staff	COI Mikulich	<input checked="" type="checkbox"/>					
MISCONDUCT CHARGE OR OTHER ACTION							
A. Class # 15. Threatening an Employee or their family with bodily harm.							
STAFF MEMBER'S VERSION							
On September 5, 2000 Superintendent Shannon received a Request Slip from DD 3483 Culver. In the Request Slip inmate Culver alleged that CO Mikulich was harassing and stalking him. Culver further stated "I cannot be held accountable for my actions on my part that might occur related to these situations". On 9/11/00 I attempted to interview inmate Culver concerning his threatening statement, Culver refused to cooperate and explain his statement, therefore his statement is considered a threat to CO Mikulich. The difference in the original date of incident and report date was due to this reporter being out of the institution until 9/11/00. Misconduct A212769 was dismissed without prejudice resulting in a new date of report of 9/18/00.							
IMMEDIATE ACTION TAKEN AND REASON							
continue confinement in the L-5 pending Further Action By the Hearing Examiner.							
PRE-HEARING CONFINEMENT							
IF YES							
<input type="checkbox"/> YES	TIME	DATE					
<input checked="" type="checkbox"/> NO	N/A	N/A					
				FORMS GIVEN TO INMATE			
				<input checked="" type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION <input type="checkbox"/> INMATE'S VERSION			
REPORTING STAFF MEMBER SIGNATURE AND TITLE		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY		SIGNATURE AND TITLE		DATE AND TIME INMATE GIVEN COPY	
Mooney, Vincent F. Intelligence Captain		COI Mikulich				DATE	TIME 24 HOUR BASE
						9-18-00	1915
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER				Misconduct Category		Signature of Person Serving Notice	
DATE		TIME		<input checked="" type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2		CO' Mikulich	
9-20-00		0800					
NOTICE TO INMATE							
You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.							

DC-141

PART II A

COMMONWEALTH OF PENNSYLVANIA

DEPARTMENT OF CORRECTIONS

Rev. 6-84

INMATE REQUEST FOR
REPRESENTATION AND WITNESSES

DC Number	Name	Institution	Date	Number as on Part I
DD3483	CULVER, BRIETT	SCI MAH	9-18-00	A012770

You have been charged with a misconduct. You may request assistance and/or witnesses to appear at your hearing by completing the section(s) below. *With Assistance by Attorney/Case involves Official Criminal Intent.*

In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 a.m. the first working day after you receive notice of the misconduct.

Assistance: ☐ I do not request assistance

☒ I request assistance by Kathy R. Stuber Esquire

(The person requested must be willing to assist you)

*PA. Institutional Law Project
924 Cherry St.
Philadelphia PA.*

Witnesses:

You may request witnesses in accord with DC-ADM 801. State the relevance and importance of the testimony the witness will give.

*no, Culver appears
able to understand the process*

DO NOT WRITE IN THIS SECTION
For Use by Hearing Examiner

If Inmate
1. Name of Witness: Original Document (R. Shannon 9-5-00) No. Stamp Dated to V. Mooney Office receipt Quarters
Why is this person's testimony relevant and important?
V. Mooney rendering of statement in #A212770 is altered and not correct to the original text. Also V. Mooney twists this partial statement out of the context present in the original Office Date Stamp for Evidence.

Witness permitted?

If not, why not?

Institutions
2. Name of Witness: Work Attendance Tracking Record for V. Mooney No. 9-5-00 Quarters to 9-18-00
Why is this person's testimony relevant and important?
V. Mooney enters (implies) evidence by testimony in report that he had not been at this Institution 9-5-00 to 9-11-00 for national, that this charge could not be written-up (outside his authority) and presence.

Witness permitted?

If not, why not?

*no, no one
requesting separately*

Whoever was V. Mooney's replacement during absence.

3. Name of Witness: Whoever was in charge of V. Mooney's duties No. during his Quarters absence 9-5-00 to 9-11-00
Why is this person's testimony relevant and important?
To explain why nobody at this Prison made found any reason, or could not take action if this violation (alleged) existed. And why no violation was found by anyone for the 6 days (six days) V. Mooney alleges he was not at this Institution.

Witness permitted?

If not, why not?

Brett Culver

Inmate's Signature

This section to be completed by Housing Officer only

Received completed form 0645 hours 9-19-00

Time

Date

CO HENDERSON / Hand

Housing Officer's Signature

[Signature]
Hearing Examiner's Signature

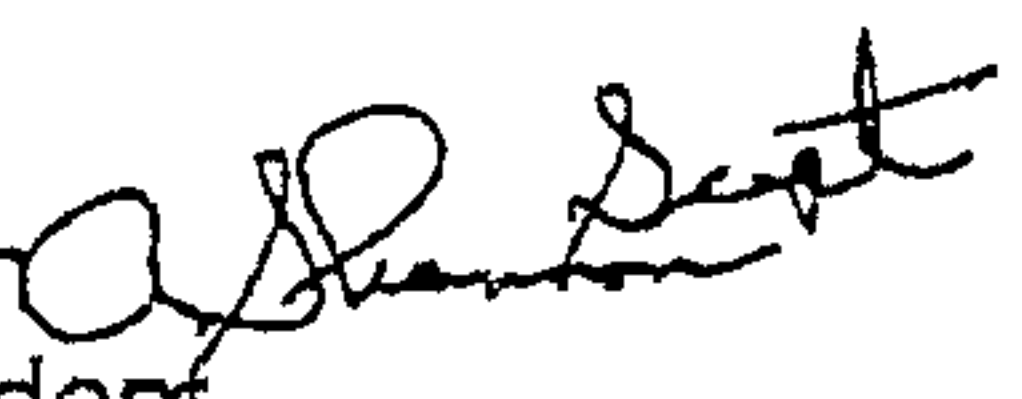
REV: 17 April 2000

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
SCI Mahanoy
(570) 773-2158

19 September 2000

SUBJECT: Superintendent's Response
Appeal of Misconduct #A212770

TO: B. Culver, DD-3483/RHU

FROM: R. Shannon 
Superintendent

You were found guilty of the above misconduct. You appealed on the following grounds that:

- a. The procedures employed were contrary to law, Department Directives, or regulations;
- b. The punishment is disproportionate to the offense;
- c. The findings of fact were insufficient to support the decision.

I have reviewed the misconduct, the Program Review Committee's decision and your appeal with the following results:

- ☐ APPEAL DENIED
- ☐ APPEAL SUSTAINED
- ☒ APPEAL IS BEING RETURNED FOR INSUFFICIENT INFORMATION
- ☐ APPEAL REMANDED

RATIONALE: Appeal is inappropriately filed to my office, as it has yet to be heard by PRC.

RS:sd

cc: DSFM
DSCS
CCPM Unell
Ms. Bosavage

DC-15
file

TO: P. R. C.

RECEIVED

SEP 21 2000

DEPUTY SUPERINTENDENT
CENTRALIZED SERV. SCI. MAHANDY

Notification of Procedural Violations of DOC Directives/Procedures

9-21-00

Brett Culver DD3485
RHU D-22

On 9-11-00 I was placed in RHU AC Pre-Hearing Confinement per DCADM 801 IV, pending misconduct hearing #A212769.

The reporting staff V. Mooney filed allegations of report per DCADM 801 VI A (2), (3). On 9-11-00 1515 hrs. I was placed in RHU (for not cooperating) by order of V. Mooney. Pursuant to DC ADM 801 VI C the Shift Commander co-signed this action. The report of DC-141 Part 1 #A212769 thus referred my status (at that time) to Pre-Hearing Confinement pending Misconduct Hearing per DC ADM 801 VI E2.

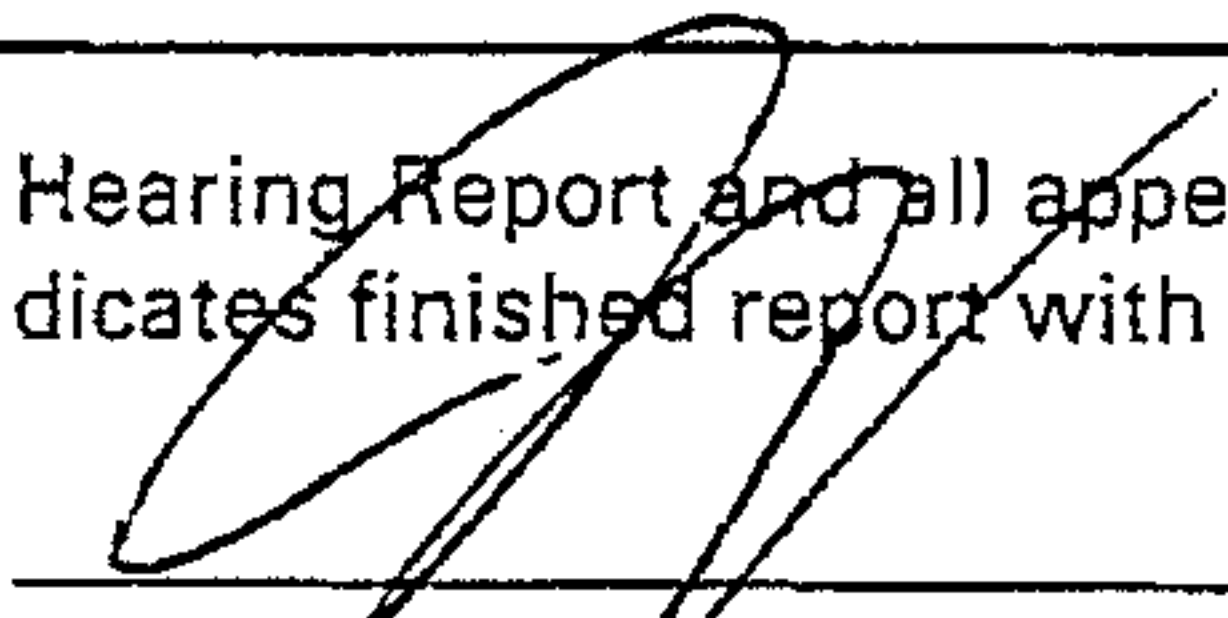
The Hearing for #A212769 was held 9-14-00 at which said charge was Dismissed Without Prejudice. At that time and date (9-14-00 1100 hrs) my status referred from AC Pre-Hearing Confinement per DC ADM 801 VI E2 to a subsequent DC ADM 801 VI C. (which allows reasonable time for any re-write to the alleged charge dismissed). Pursuant to DC ADM 801 VI C with the charge #A212769 being Dismissed 9-14-00 1100 hrs, the time expenditure offered to the charging staff member EXPIRE 9-17-00 1100 hrs.

X In Accordance with DOC Directives/Procedures, Misconduct re-write #A212769 filed on 9-18-00 is untimely and VOID on expired time expenditure.

X Also, the DC-141 Part 1 #A224179 Other "Notification of Confinement" prepared and filed by Lt R. Henrickson 9-14-00 is non applicable and in violation of D.O.C. Directives/Procedures. Upon Dismissal of charge #A212769 9-14-00 the extended detention confinement was pending a possible re-write of charge and I was not detained on AC Investigation. DC ADM 802 VI A1 F as entered #A224179 is non-applicable and is not in accordance with DOC Directives/Procedures. On 9-14-00 I was not detained on any charge, nor was I AC Investigation.

The afore out-lined status procedure in accordance with DOC Directives/Procedures is True and Correct.

Pursuant to the Procedural Violations of DOC Directives and Procedures, my present detainment in RHU must be annulled.

DC-141 Rev. 6-84 DISCIPLINARY HEARING REPORT		PART II B COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS			
DC Number 003483	Name CULVER	Institution SCIMATH	Hearing Date 9-22-00	Hearing Time 1040	No. from Part I A212770
INMATE PLEA	<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty	<input type="checkbox"/> No Plea <input type="checkbox"/> Other	Verdict	<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	
CHARGES A#15. THROAT - not guilty		HEARING ACTION			
FINDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED					
<p>Culver submits a version story essentially that he did author the attached copy of the request slip. He did make the statement that "I cannot be held responsible or accountable for any action on my part that might occur related to this situation..." But But he does it see this as a threat.</p> <p>I find for the staff report over Culver's level that the statement he authored in the attached request slip, that he would not be held responsible for any any action on his part, as a threat to staff. I find he now lists the request slip as a threat. I find him guilty of this threat charge.</p> <p>Santi: 90 of DC 9-11-00 12-9-00</p>					
<input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> YES <input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO <input type="checkbox"/> NO	The inmate has heard the decision and has been told the reason for it and what will happen. The circumstances of the charge have been read and fully explained to the inmate. The opportunity to have the inmate's version reported as part of the record was given. The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.		entered for attached SEE APPENDICES copy of Request Slip attached & signed by Culver	
NAME(S) OF HEARING EXAMINER/COMMITTEE (TYPED OR PRINTED)		Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.			
J. K. KANE		 SIGNATURE OF HEARING EXAMINER/COORDINATOR			

V. Mooney did not charge with #15 because document 9-5-00 was in violation, I was charged with the alleged violation because I wouldn't speak about information V. Mooney wanted. I was charged because I would not do what V. Mooney wanted me to do.

DC-141 PART II C
Rev. 6-84 HEARING SUPPLEMENT
INMATE VERSION AND WITNESS STATEMENTS

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

V. Mooney wanted me to do Document R. Shannon 9-5-00 is not in violation, it was the IS no documented Threat to Mil

DC Number

Name

Institution

No. from PART I

DD-3483

Culver BRETT

SCI-MAH

A-212770

INMATE'S VERSION

Statement of allegation is a isolated partial of a statement being twisted out of context to which it was presented. Also, this isolated partial being twisted out of context has been ALTERED from its original text, as it is rendered in #A212770. Even out of context this isolated partial implies no threat to anyone. In context presented in the two form documentation sent to R. Shannon 9-5-00, this document was a Proclamation. Due to Administrative hostilities and refusal to address violations being committed against my person, I Proclaimed, as to the context, that I am not responsible for any of the issues or situations I have been forced to seek relief for or resolution to. And regardless of the Administrative Official threats to "stop pursuing these issues of complaint, I am not accountable (or responsible) for any actions on my part or efforts to secure relief. "I" am not responsible for these situations or violations being committed against "me". (I am not accountable.) I also Proclaimed that because of Administrative Corruption, retaliation, and refusal to address/Process these issues, I would not be submitting anymore issues to the authority of this Administration. Superintendent R. Shannon received this documentation (for record) and sent a copy to (?) to have the ISSUES OF COMPLAINT investigated. There was no "alleged Threat" by Superintendent R. Shannon concerning the document. Superintendent R. Shannon is in a position and knowledgeable enough to know if a rule or regulation had been violated. And he would have had me charged immediately (had there been a violation) 9-5-00. But no action was taken because no rule or regulation had been violated, nor was there any Threat made. On 9-11-00 Vincent Mooney did not ask me anything about a Threatening Statement as he testifies in his report. V. Mooney was enraged because I immediately told him I had nothing to say to this Administration on these issues. (As Proclaimed in the Document, reasons included) V. Mooney was asking about names of employees referred to in the Document "ONLY". I again told him I had nothing to say, all issues are being handled by outside agencies. In rage V. Mooney had me sent to R.H.W. V. Mooney's report implies that Mr. Shannon is not capable of reporting this alleged charge, nor is anyone else during his so called absence 9-5-00 to 9-11-00. The Proclamation Document itself was specifically written for Court Actions being pursued on these issues. There is no threat in the document.

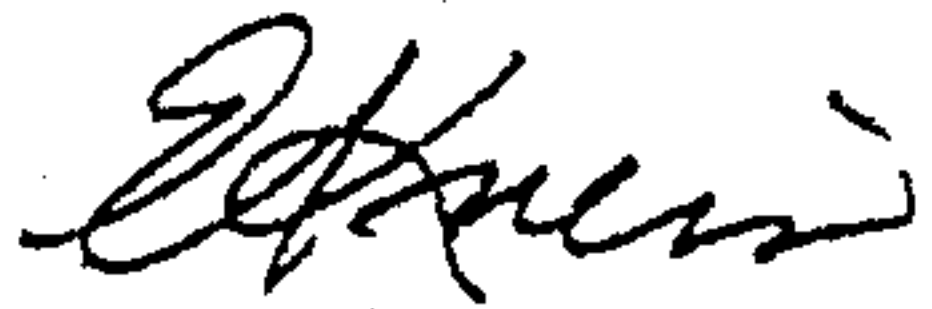
... this is not a hearing pay issue
... if it is a written document, and is prone to see an violation exists.

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Mahanoy

September 22, 2000

Subject: Misconducts A212769 – A212770
Notification of Confinement A224179

To: DD3483 Culver, Brett – RHU D-22


From: Edgar M. Kneiss
Deputy Superintendent
for Centralized Services

X I feel you are wrong in that the misconduct was dismissed without prejudice to be re-written. You were given a notification the same day.

Captain Mooney was out of the institution, and upon his return and when finding out it was dismissed, he rewrote it. All legitimate.

This all may have been avoided if you cooperated in the first place.

EMK:hb

Attachment

Cc: Supt. Shannon
Deputy Petruccio
Major McGrady
Major Michaels
Captain Mooney
Lt. Henrickson
DC-15
File

MDP
Krell Culver DD3483
301 Morea Rd
Frackville, PA. 17932

015

OFFICE
OF THE

9-25-00

SEP 28 2000

CHIEF
HEARING EXAMINER

I am presently detained in RHU at SCI Mahanoy under punishments incurred by Administrative retaliation. The retaliatory punishments are directly related to my efforts to report, and seek relief on Official violations being made against my person.

I am forced to seek relief on these violations through Court Actions. But at present, the SCI Mahanoy Administration has obstructed this pursuit by withholding all my Legal Records, Materials, and Documents. I have not been permitted access to these Materials from 9-11-00 till present.

Also, because I have been sanctioned with punishment by the Intelligence Captain at this facility, I cannot obtain a fair or impartial hearing, or Appeal on the false allegations I'm sanctioned on at this Institution.

I request a Impartial committee for Appeal relief on the present unjust sanction I suffer. I will also have to request that the Impartial Committee be aside any influence or involvement of R. Bitner. R. Bitner is actively involved in D.O.C. violations related to the incidents I have reported on, and am suffering retaliation for.

Butt Culver

Notice for Hearing / Appeal - Continuance via Impartial
Procedural Hearing, and access of record Documentation

TO: PRC

9-28-00

RECEIVED

SEP 28 2000

Brett Culver DD348
RHU D-22

Brett Culver

The SCIMahanoy Administration is in ~~violation~~ ^{violation} of D.O.C Policy Procedures by denial of a fair and impartial hearing 9-18-00 on Misconduct #A212770

All requested "witness documents to ~~support~~ ^{challenge} charging staffs implied evidence and allegations, as requested per DC-141 Part II A form, was Denied by Hearing Examiner Kain.

I, being falsely charged on fraudulent testimony and implied evidence, have the right to request the documents Im being charged from, and those documents necessary to support or disprove allegations being made against me.

Hearing Examiner Kain refused to allow witness documents for review of evidence at Misconduct Hearing #A212770 on 9-18-00, ~~and denied access to all documents~~ (Decision based ~~on~~ ^{entirely} on Money's version.)

Also, because all personal Legal Records and Materials are presently being withheld by the SCIMahanoy Administration, record documentation directly relevant to these issues of evidence, and necessary for presenting a Appeal are being Denied by the SCIMahanoy Administration. (Obstruction/Hindern.)

Therefore, this Administration at SCIMahanoy is in violation of D.O.C. Policy and Procedure. These are also Civil Rights violations. Misconduct Hearing #A212770 conducted by Hearing Examiner Kain on 9-18-00 is in violation. DC ADM 801 VI K (Misconduct #A212770 is also in violation of time limitations expiration)

No fair or impartial Hearing or Appeal procedures can be ~~obtained~~ ^{secured} at this Institution. ~~Documentation~~ ^{Documentation} on evidence and related issue has been denied, and continues to be withheld by the SCIMahanoy Administration.

I formally request a Impartial Hearing on Misconduct #A212770 and the right to have witness documentation ^{evidence} examined at LOCATION: 7173618165 ^{RX TIME 05/06/03 09:47}

MDP

301 Morea Rd
Frackville, PA. 17932

030

OFFICE
OF THE

9-25-00

SEP 28 2000

CHIEF
HEARING EXAMINER

I am presently detained in RHU at SCI Mahanoy under punishments incurred by Administrative retaliation. The retaliatory punishments are directly related to my efforts to report, and seek relief on Official violations being made against my person.

I am forced to seek relief on these violations through Court Actions. But at present, the SCI Mahanoy Administration has obstructed this pursuit by withholding all my Legal Records, Materials, and Documents. I have not been permitted access to these Materials from 9-11-00 till present.

Also, because I have been sanctioned with punishment by the Intelligence Captain at this facility, I cannot obtain a fair or impartial hearing, or Appeal on the false allegations I'm sanctioned on at this Institution.

I request a Impartial committee for Appeal relief on the present unjust sanction I suffer. I will also have to request that the Impartial Committee be aside any influence or involvement of R. Bitner. R. Bitner is actively involved in D.O.C. violations related to the incidents I have reported on, and am suffering retaliation for.

Brett Lebus

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI Mahanoy

September 28, 2000

Subject: Misconduct Appeal #A212770

To: DD3483 Culver, Brett — RHU D-22



From: Edgar M. Kneiss
Deputy Superintendent
for Centralized Services

Your attached appeal must be properly filled out on a DC-141 Part II E Misconduct Hearing Appeal form with the correct misconduct number and hearing date and submitted to the Program Review Committee in a timely fashion (within 15 days from the date of your hearing, which was 9/22/00).

Please resubmit your appeal on the proper form.

EMK:hb

Attachment

cc: Deputy Petruccio
Mr. Unell
DC-15
File

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
1451 N. MARKET STREET
ELIZABETHTOWN, PA 17022

OFFICE OF THE
CHIEF HEARING EXAMINER

October 17, 2000

Brett Culver, DD-3483
SCI Mahanoy

Re: DC-ADM 801 - Final Review
Misconduct No. A212770

Dear Mr. Culver:

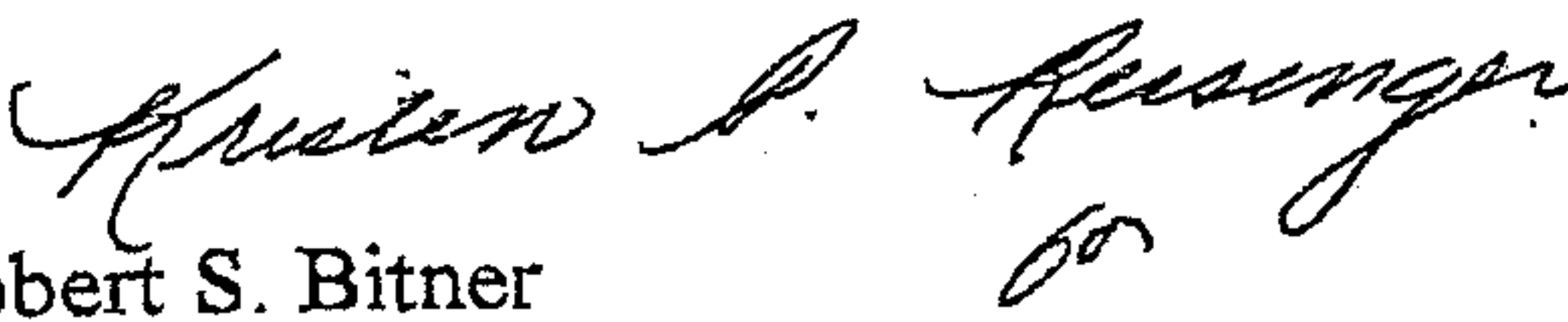
This is in response to your appeal to final review of the above numbered misconduct.

In accordance with DC-ADM 801, VI, L, 3, I have reviewed the entire record of this misconduct; including the misconduct report, the hearing report and related documents, your appeal to the Program Review Committee and their response, your appeal to the Superintendent and his response. I have also thoroughly reviewed the issues you raise to final review.

The issues you raise to final review have already been addressed by the Program Review Committee and the Superintendent. On review of the record, this office concurs with their responses. I find no persuasive basis from which to conclude that the Examiner erred in conducting the hearing. The Examiner specifically documented findings of fact based on evidence presented at the hearing to support the decision. The procedures followed were in complete accordance with DC-ADM 801, §VI. The sanction imposed is not viewed to be disproportionate to the offense, and therefore will not be amended at this level.

For the above-stated reasons, the responses provided by the Program Review Committee and the Superintendent are upheld in full. Your appeal must, therefore, be denied.

Sincerely,


Robert S. Bitner
Chief Hearing Examiner

RSB:bjk

pc: Superintendent Shannon

SUBJECT: **APPEAL** of #A21271

10-18-00

TO: Superintendent R. Shannon

Now Resubmitted
10-25-00FROM: Brett Culver DD3483
RHU D-22

Document R. Shannon 9-5-00 (Contents of both Documents submitted R. Shannon 9-5-00) stands as evidence on its own merit. Documentation submitted R. Shannon 9-5-00 contains NO THREAT, nor is said documentation in violation of any rule or regulation. Documentation R. Shannon 9-5-00 of record contains NO CONTEXT OF PHYSICAL AGGRESSION, OFFENSIVE INTENT, NATURE OR ATTRIBUTE DIRECTED OR CONTRIBUTED towards or against Officer Miknich (or anyone anything else). There is absolutely no Threat contained in context or word in said documentation R. Shannon 9-5-00.

Documentation R. Shannon 9-5-00 (Both documents submitted 9-5-00) were drafted and submitted as a only means and/or alternative means of witness ability to the suffered situations of Official and Administrative Harassment, Retaliation, Unjust Violations. These documents were entered for record as an only means of protection measures and evidence to the ongoing Official and Administrative attacks against my person, as all efforts to secure relief and/or protection from such abuses has been denied by the SCI Mahanoy Administration.

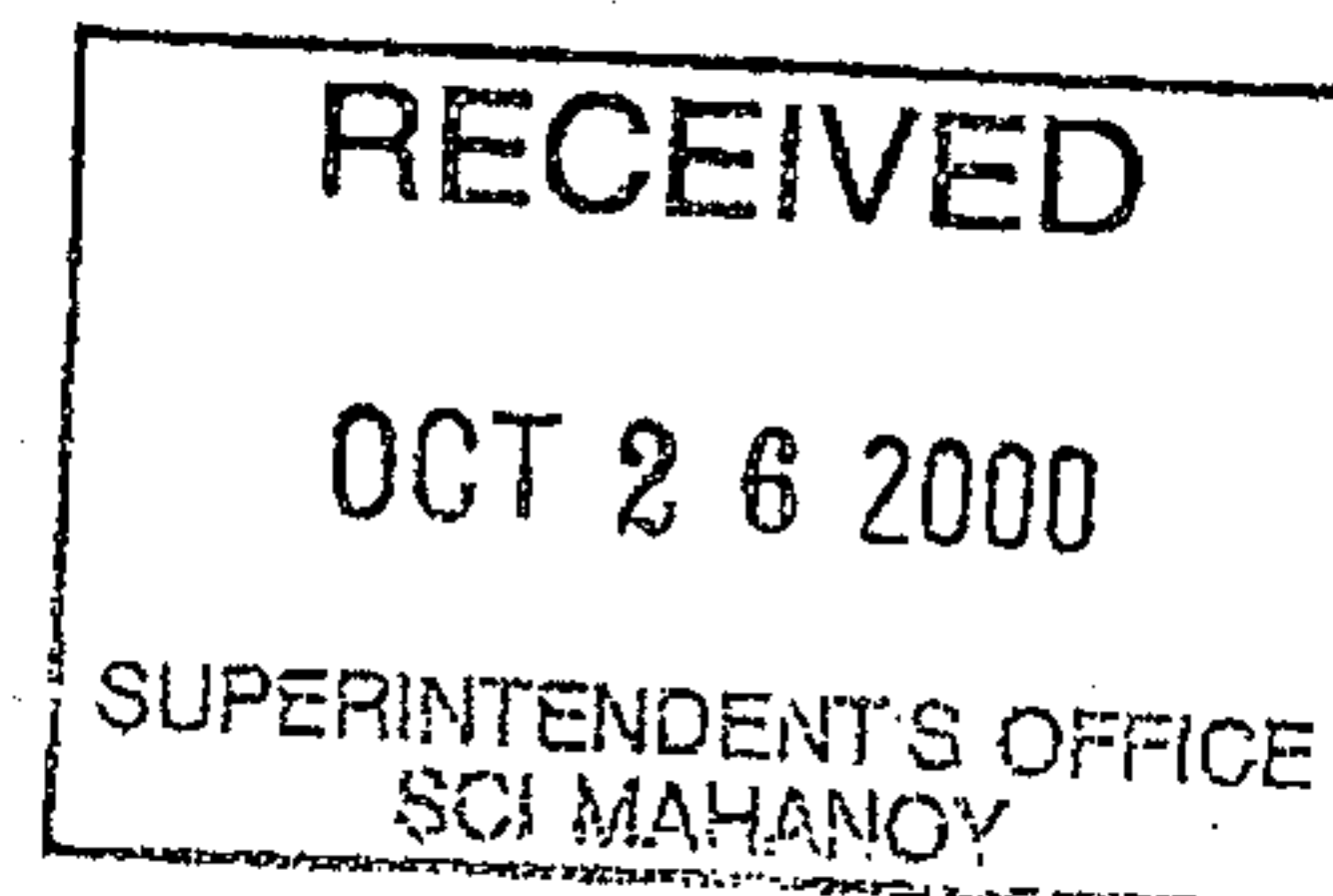
Documentation R. Shannon 9-5-00 (Both documents) were submitted to your authority for record on or about 9-5-00. Your personal review found nor identified any Threat or threatening statement towards Officer Miknich, or anyone else for that matter, as NO Threat exists in said documentation of record. As evidence of your personal review testimony, you entered that THE ISSUES OF MY COMPLAINT BE INVESTIGATED, As directed to Major McGrady 9-7-00. A week after document R. Shannon 9-5-00 was submitted to your authority for record, a Captain Moorey has me sent to RHU for refusing to give him the names of employee informants referred to in document R. Shannon 9-5-00. Captain Vincent Moorey then entered a false report #A21271 saying he questioned me about threatening statements to Officer Miknich; and I refused to explain these non existant Threats he falsely alleges he asked me about. I was placed in RHU by Vincent Moorey for withholding the names of informants that he demanded, and his actions are retaliatory (See E. Kneiss response 9-22-00)

10-25-00

SUBJECT: Status of Fraudulent
#A212770

TO: R. Shannon
Superintendent

FROM: Brett Culver DD3483
RHU D-22



- * So called incident date: 9-5-00
- * Fraudulent allegations in act of retaliation by Vincent Mooney 9-11-00 #A212769
- * On 9-14-00 #A212769 Dismissed Without Prejudice
- * 9-18-00 Vincent Mooney re-writes fraudulent allegations with added lying rationale #A212770.
- * 9-11-00 to 9-22-00 all evidence documentation and relevant record evidence was denied and withheld from me to deny a fair or impartial hearing, and the biased hearing was imposed 9-22-00.
- * On or about 9-24-00 a letter of complaint and request for a fair and impartial hearing free of SCI Mahanoy staff and Chief Hearing Examiner R. Bitner influence be secured via Camp Hill. (No reply)
- * Continued efforts to secure evidence documentation and personal records relevant to issues alleged in #A212770 denied and withheld by SCI Mahanoy Administration. SCI Mahanoy Officials also refused to produce requested evidence for record.
- * 9-28-00 Notice of Appeal Continuance was submitted to PRC via the access of evidence documentation, personal records relevant to issues of allegations, and production of documentation to verify implied evidence/testimony by Vincent Mooney #A212770. And Request for Fair and Impartial Hearing.
- * 9-29-00 Notice of Continuance for Appeal and reasons submitted to R. Shannon.
- * 10-2-00 Notification to PRC that Appeal Process had been Obstructed by SCI Mahanoy Administration and could not continue until access to all relevant documentation, evidence records, and personal records needed for appeal be granted.
- * 10-6-00 PRC responds with irrelevant response.
- * 10-6-00 SCI Mahanoy Administration allows access to partial personal records and evidence documentation.
- * 10-12-00 I submit Appeal of #A212770 to R. Shannon Superintendent level. Response: "Returned w/o action. Inappropriately Filed Oct. 16 Oct '00"
- * 10-16-00 Re-filed Appeal of #A212770 to R. Shannon. Response: "Inappropriately Filed. Returned without response C. Dotter 10-17-00."
- * 10-18-00 Re-filed Appeal of #A212770 with DC ADM 801 v12 clarification of procedure to R. Shannon. Response: "You have already exhausted all levels of appeal on this Appeal-A212770. Please refer to response from Chief Bitner dated 17 Oct 00 and dated 20 Oct 00."
- * This LOCATION: 7173618165 770 to R. Shan, RX TIME " 05/06 '03 09:47 ect. 10-25-00

* A212770 has never been Appealed to Chief Hearing Examiner R. Bitner. I am only interested in the Appeal Decision of R. Shannon at the SCI Mahanoy Superintendent level. ~~What I am interested in is the fact that you have reviewed the so-called violation document (R Shannon 9-5-00) a week prior to Vincent Mooney's fraudulent report, and you found no violation of rules or regulations in that said document of record. Therefore, your decision in this matter is relevant to the Actions being prepared on this and other Administrative violations. You are either going to compromise your position to support the actions and allegations of the record by Vincent Mooney, or you will stand on your own two feet and justify the situation in a professional manner as your position of authority requires. (In other words, You will either collaborate with the actions of Vincent Mooney, or you will perform your duty honestly and justly). What you do is your decision. All I'm asking is that you suck-it-up and do what's right.~~ I'm only interested in your decision on this matter, because, "You reviewed the so-called violation document (R Shannon 9-5-00) a week prior to Vincent Mooney's fraudulent report, and you found no violation of rules or regulations in that said document of record. Therefore, your decision in this matter is relevant to the ~~Actions~~ Actions being prepared on this and other Administrative violations. You are either going to compromise your position to support the actions and allegations of ~~the~~ record by Vincent Mooney, or you will stand on your own two feet and justify the situation in a professional manner as your position of authority requires. (In other words, You will either collaborate with the actions of Vincent Mooney, or you will perform your duty honestly and justly). What you do is your decision". All I'm asking is that you suck-it-up and do what's right!

I understand you don't want to be involved in this matter. You seem like a individual that wants to be "on the level" and do your job in a professional manner. Unfortunately you inherited a very corrupt and dishonest batch of Administrative Officials when you came here. I think you're wise enough to see that this ship you command is heading for rough waters (I don't mean that in reference to my issues against this Admin alone). Take some warning by what you see developing around you. It bewilders me why you would compromise your personal dignity and honor to support lies and acts of cowardly sadistic abuses of authority ^{committed} by ~~others~~ others. Especially by individuals under your authority.

I know that the motivating factor against me is my abrasively blunt forward manner in ~~the~~ condemnation of your staff. But what I say is 100% true. LOCATION: 7173618165. Im just, frast RX TIME 05/06 '03 09:47:14. I'd. to such behavior.

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Mahanoy
(570) 773-2158
02 November 2000

SUBJECT: Superintendent's Response
Appeal of Misconduct #A212770

TO: Brett Culver, DD-3483/RHU

FROM:

R. Shannon, Supt.
R. Shannon
Superintendent

OFFICE
OF THE

CHIEF
HEARING EXAMINER

You were found guilty of the above misconduct. You appealed on the following grounds that:

- a. The procedures employed were contrary to law, Department Directives, or regulations;
- b. The punishment is disproportionate to the offense;
- c. The evidence was insufficient to support the decision.

I have reviewed this misconduct and the Program Review Committee's decision and your appeal with the following results:

- ☒ APPEAL DENIED
- ☐ APPEAL SUSTAINED
- ☐ APPEAL IS BEING RETURNED FOR INSUFFICIENT INFORMATION
- ☐ APPEAL REMANDED

RATIONALE:

Your misconduct hearing was conducted on 22 Sep yet you appealed this to my office on 19 Sep prior to any hearing. That appeal had to be returned to you without action.

You then submitted an inappropriate appeal to PRC on 28 Sep that had to be returned to you by PRC because you failed to provide the proper format. At the same approximate time (25 Sep), you also submitted an appeal for final review, to Chief Bitner's office without appeal response from either PRC or my office. Chief Bitner, appropriately, could take no action until he received further information from the Institution.

On 03 Oct, PRC then received an appeal form from you on which you wrote "Not an Appeal. A212770 cannot be appealed to the authority of SCI Mahanoy Administration. No fair or impartial process can be secured." PRC had little choice but to return that appeal form to you

LOCATION: 7173618165 ble.

RX TIME 05/06 '03 09:47

B. Culver, DD-3483

-2-

02 November 2000

On 17 Oct, the Institution received a copy of Chief Bitner's Final Review of Appeal addressed to you.

On 20 Oct, I then received what can be construed as an appeal from you on this same misconduct. My response reflected this appeal process was closed as per receipt of Final Review.

A few days later, while making my rounds through the RHU, you indicated to me that, not only did you not receive anything from Chief Bitner, you also claimed that you **never sent** any appeal to his office. Either you were flat-out lying or just plain forgot. Choose **one** because, attached you will find a) Chief Bitner's Final Review response and b) a copy of your appeal that you wrote, signed then sent to Chief Bitner dated 25 Sep.

Your actions in this matter are reviewed as a deliberate intent to abuse the Adm Dir 801 process as it pertains to appeals. Your deliberate actions resulted in several hours of staff time to attempt to ensure that your appeal rights were not infringed upon and that you be given fair opportunity for review. You were given several opportunities to follow proper procedures and you failed to do so.

Your appeal process on this matter has been completed. As a result, this additional appeal is denied due to it being inappropriately submitted.

RS:plr

cc:

Chief Bitner

DSFM

DSCS

Ms. Bosavage

CCPM Unell

Control

DC-15

file

Exh E

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRETT CULVER,

Plaintiff

v.

**COMMONWEALTH OF
PENNSYLVANIA, *et al.*,**

Defendants

⋮
⋮
⋮
⋮
⋮
⋮
⋮
⋮
⋮
⋮

NO. 1:CV-01-0904

(JUDGE KANE)

UNSWORN DECLARATION OF VINCENT MOONEY

I, **VINCENT F. MOONEY**, hereby declare under the penalty of perjury that the following is true and correct and based upon my personal knowledge:

1. I am currently employed by the Pennsylvania Department of Corrections (“DOC”) as the Intelligence Captain at State Correctional Institution at Mahanoy. Pennsylvania (“SCI-Mahanoy”). I have been employed by the DOC for approximately eighteen years.

2. At all times relevant to this complaint, I was Intelligence Captain, at SCI-Mahanoy. As Intelligence Captain, my duties and responsibilities include, but are not limited to monitoring, reviewing and addressing security issues concerning SCI-Mahanoy. I investigate all internal security issues within SCI-Mahanoy, including allegations involving staff and inmates. I am also familiar with the standard policies and procedures followed at SCI-Mahanoy, as well as those of the DOC, including inmate disciplinary procedures and record keeping practices concerning misconduct reports and inmate grievances. I am also familiar with the various DOC Administrative Directives that impact inmates.

3. On September 5, 2000, Superintendent Shannon received a request slip from inmate Brett Culver, DD-3483, alleging that Officer Miknich was harassing and stalking him and he "cannot be held accountable for my actions on my part that might occur related to these situations." (See Attachment "A").

4. I was assigned to investigate Culver's allegations. On September 11, 2000, I attempted to interview Culver concerning his threatening statement. Culver refused to cooperate and explain his statement, therefore, I considered his statement to be a threat. In accordance with DOC policy I issued Culver Misconduct No. A 212770, Threatening an Employee or Their Family with Bodily Harm on September 18, 2000. (*Id.*)

5. Culver's misconduct hearing regarding Misconduct No. A 212770 was held on September 22, 2000. After a review of the information, documentation and evidence presented, the hearing examiner found Culver guilty of the threat charge and sanctioned him to ninety days disciplinary custody. (*Id.*)

6. I did not have any conversations with the hearing examiner, the Superintendent, or anyone regarding the sanction imposed regarding Culver's misconduct.

7. At no time did I make any threatening or inflammatory statements to or about Culver, attempt to endanger his safety, threaten him with bodily harm or incite inmate aggression and violence against him.

8. At all times relevant to Culver's misconduct, as well as the allegations contained in the complaint, I acted in accordance with the Department of Corrections Administrative Directives, including DC-ADM 801 and acted in accordance with those directives.

SCI MAHANoy SUPT OFF
FILE No.627 05/07 '03 11

☎ 5706213138

05/07/03 15:36 :02/04 NO:934

ID:OFFICE OF ATTY. GENERAL

FAX:7177724526

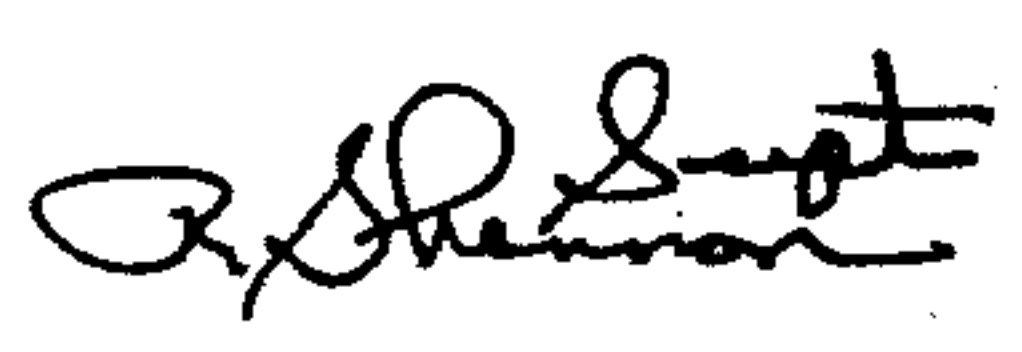
PAGE 4

May 7, 2003
DATE

Capt. V. Mooney
VINCENT F. MOONEY,
Intelligence Captain, SCI-Mahanoy

ATTACHMENT A

35 Q.

DC-135A		RECEIVED COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS SEP 07 2000 INSTRUCTIONS <i>Complete Items Number 1-7. If you follow instructions in preparing your request, it can be disposed of more promptly and intelligently.</i>	
INMATE'S REQUEST TO STAFF MEMBER			
1. TO: (NAME AND TITLE OF OFFICER)		2. DATE	
R. Shannon Superintendent		9-5-00	
3. BY: (INSTITUTIONAL NAME AND NUMBER)		4. COUNSELOR'S NAME	
Erett Culver DD-3483		Barsh	
5. WORK ASSIGNMENT		6. QUARTERS ASSIGNMENT	
		D-1B 22	
7. SUBJECT: STATE COMPLETELY BUT BRIEFLY THE PROBLEM ON WHICH YOU DESIRE ASSISTANCE. GIVE DETAILS.			
<p>The Harassment by Officer Minkich against me is well known among other employees at this facility. There are certain employees that inform me about conversations they have had, or heard about me from C.O. Minkich. *Today (9-5-00) I was told by one of these employees that Officer Minkich is actively seeking information concerning me from other employees on D-8. And this employee informed me that Officer Minkich was making improper statements in reference to me. This involves conspiracies and stalking. *All measures of security and protection have been denied by this Administration. I desperately tried to secure relief on these issues which has been denied. I tried to secure separation protection which has also been denied to this date. Everything I have tried to do to secure relief (protection from abuse) has been denied by this Administration "and your authority." This Administration has supported, facilitated, promoted, and endorsed all facets of harassment and hostilities against my person. I cannot be held responsible or accountable for any actions on my part that might occur related to these situations being deliberately forced on my person.</p>			
8. DISPOSITION: (DO NOT WRITE IN THIS SPACE)			
<p>Provide <u>names</u> to the Security Office. Give them something to work with and your accusations will be formally investigated as they have been previously.</p> <p>Also-you most certainly <u>will</u> be held accountable for your actions.</p> <p>Dep. Petruccio cc: Major McGrody have his latest complaints investigated. Unit Mgr Chismar Adm Asst Dotter</p> <p style="text-align: right;">  7 Sep '00 </p>			
<input type="checkbox"/> TO DC-14 CAR ONLY		<input checked="" type="checkbox"/> TO DC-14 CAR AND DC-15 IRS	
STAFF MEMBER		DATE	

RM DC-141		PART I		COMMONWEALTH OF PENNSYLVANIA		A 212770	
MISCONDUCT REPORT <input type="checkbox"/> OTHER		DEPARTMENT OF CORRECTIONS					
C Number D-3483	Name Culver, Brett	Institution SCI-MAH	Incident Time 24 Hr. Base 1515	Incident Date 9/5/00	Date of Report 9/18/00		
Quarters HU	Place of Incident Security Office						
OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)							
C Number	Name	I	W	DC Number	Name	I	W
Staff	COI Brennan		<input checked="" type="checkbox"/>	Staff	Superintendent Shannon		<input checked="" type="checkbox"/>
Staff	COI Engle		<input checked="" type="checkbox"/>				
Staff	COI Miknich	<input checked="" type="checkbox"/>					
MISCONDUCT CHARGE OR OTHER ACTION		A. Class # 15. Threatening an Employee or their family with bodily harm.					
STAFF MEMBER'S VERSION							
On September 5, 2000 Superintendent Shannon received a Request Slip from DD 3483 Culver. In the Request slip inmate Culver alleged that Co Miknich was harassing and stalking him. Culver further stated "I cannot be held accountable for my actions on my part that might occur related to these situations". On 9/11/00 I attempted to interview inmate Culver concerning his threatening statement, Culver refused to cooperate and explain his statement, therefore his statement is considered a threat to Co Miknich. The difference in the original date of incident and report date was due to this reporter being out of the institution until 9/11/00. Misconduct A212769 was dismissed without prejudice resulting in a new date of report of 9/18/00.							
IMMEDIATE ACTION TAKEN AND REASON		continue confinement in the L-5					
Pending Further Action By the Hearing Examiner.							
PRE-HEARING CONFINEMENT							
IF YES							
<input type="checkbox"/> YES	TIME	DATE					
<input checked="" type="checkbox"/> NO	N/A	N/A					
			FORMS GIVEN TO INMATE		<input checked="" type="checkbox"/> INMATE'S VERSION		
			<input checked="" type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION				
REPORTING STAFF MEMBER SIGNATURE AND TITLE		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY		SIGNATURE AND TITLE		DATE AND TIME INMATE GIVEN COPY	
Mooney, Vincent F. Intelligence Captain		CO-1 B34				DATE 9-18-00	
						TIME 24 HOUR BASE 1915	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE		TIME		Misconduct Category		Signature of Person Serving Notice	
9-30-00		0800		<input checked="" type="checkbox"/> CLASS I <input type="checkbox"/> CLASS 2		CO' Miknich	
NOTICE TO INMATE							
You are scheduled for a hearing on this allegation on the date and the time indicated or as soon thereafter as possible. You may remain silent, if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law if this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class I misconduct, any pre-release status you have will be revoked.							

9-11-00

141 PART II B COMMONWEALTH OF PENNSYLVANIA
6-84 DEPARTMENT OF CORRECTIONS
CIPLINARY HEARING REPORT

Number	Name	Institution	Hearing Date	Hearing Time	No. from Part I
3483	CULVER	SCMATH	9-22-00	10:40	A212770
<input type="checkbox"/> Guilty <input checked="" type="checkbox"/> Not Guilty		<input type="checkbox"/> No Plea <input type="checkbox"/> Other		<input checked="" type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty	

ARGES *A#15. THREAT - not off* HEARING ACTION

INDINGS OF FACT, VERDICT, AND SANCTIONS IMPOSED

Culver submits a version story essentially that he did author the attached copy of the request sig. I did not make the statement that "I cannot be held responsible or accountable for any action on my part that might occur related to this situation..." But he does it as a threat.

I find for the staff report over Culver's level that the statement he authored in the attached request sig, that he could not be held responsible for ~~any~~ any action on his part, as a threat to staff. I find he was left the not meet it as a threat. I find him guilty of this threat chgl.

*Santi. 90 of DC
 9-11-00
 12-9-00*

YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	The inmate has heard the decision and has been told the reason for it and what will happen.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	The circumstances of the charge have been read and fully explained to the inmate.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	The opportunity to have the inmate's version reported as part of the record was given.
YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	The inmate has been advised that within 15 days a request for a formal review may be submitted and that this request must contain specific reasons for the review.

*attached for attached
 SEE APPENDICES
 Copy of Request sig
 attached + Sign of
 Culver*

NAME(S) OF HEARING EXAMINER/COMMITTEE
 (TYPED OR PRINTED)

Hearing Report and all appended information must be signed. Signature indicates finished report with appendices.

SIGNATURE OF HEARING EXAMINER/COORDINATOR

TV KANE

-141 PART II A COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS				
DATE REQUEST FOR PRESENTATION AND WITNESSES				
Number	Name	Institution	Date	Number as on Part I
D3483	CULVER, BRIET	SCI MAH	9-18-00	A012770

You have been charged with a misconduct. You may request assistance and/or witnesses to appear at your hearing by completing the section(s) below. *With Assistance by Attorney/Case involves Official Criminal Intent.*

In order to have assistance or witnesses at your hearing, you must complete this form and present all copies to one of your housing officers no later than 9:00 a.m. the first working day after you receive notice of the misconduct.

Assistance: ☐ I do not request assistance
☒ I request assistance by Kathy R. Stuber Esquire *PA. Institutional Law Project 924 Cherry St. Philadelphia PA.*
(The person requested must be willing to assist you)

Witnesses: You may request witnesses in accord with DC-ADM 801. State the relevance and importance of the testimony the witness will give. *no, Culver appears able to understand the process*

If Inmate		DO NOT WRITE IN THIS SECTION For Use by Hearing Examiner	
1. Name of Witness:	No. Quarters	Witness permitted?	If not, why not?
<i>original Document (R. Shannon 9-5-00) Stamp Dated to V. Mooney Office receipt</i> Why is this person's testimony relevant and important? <i>Mooney rendering of statement in #A212730 altered and not correct to the original text. Also V. Mooney twists this original statement out of the context present in the original's Office Date Stamp for Evidence.</i>			
<i>Institution's</i> 2. Name of Witness: <i>V. Mooney</i> <i>Work Attendance Tracking Record for V. Mooney</i> Why is this person's testimony relevant and important? <i>Mooney enters (implied) evidence by 9-5-00 to 9-18-00 testimony in report that he had not been at this Institution 9-5-00 to 9-11-00 for rational, that this charge could not be written-up (outside his authority) and presence</i>			<i>no, see no one requests specifically</i>
<i>Whoever was V. Mooney's replacement during absence.</i> 3. Name of Witness: <i>Whoever was in charge of V. Mooney's duties</i> Why is this person's testimony relevant and important? <i>explain why nobody at this Prison during his absence 9-5-00 to 9-11-00 could find any reason, or could not take action if this violation (alleged) existed. And why no violation was found by anyone for the 6 days (six days) Mooney alleges he was not at this Institution.</i>			
<i>Brett Culver</i> Inmate's Signature		<i>[Signature]</i> Hearing Examiner's Signature	
This section to be completed by Housing Officer only			
Received completed form <i>0645</i> hours <i>9-19-00</i> Time Date <i>CO HENDERSON / Hand</i> Housing Officer's Signature			

Shannon (Superintendent) did not find any violation in document 9-5-00. Mooney did not charge me with #15 because document 9-5-00 was in violation, I charged with the alleged violation because I wouldn't speak about retaliation V. Mooney wanted. I was charged because I would not do what V. Mooney wanted me to do.

-141 PART II C		COMMONWEALTH OF PENNSYLVANIA		V. Mooney wanted me to do	
6-84 HEARING SUPPLEMENT		DEPARTMENT OF CORRECTIONS		Document R. Shannon 9-5-00	
DATE VERSION AND WITNESS STATEMENTS		Name		Institution	
Number		Culver, Brett		SCI-MAH	
-3483				A-212770	

STATE'S VERSION Statement of allegation is a isolated partial of a statement being twisted out of context to which it was presented. Also, this isolated partial being twisted out of context has been ALTERED from its original text, as it is rendered in #A212770. Even out of context this isolated partial implies no threat to anyone. In context presented in the two form documentation sent to R. Shannon 9-5-00, this document was a Proclamation. Due to Administrative stillities and refusal to address violations being committed against my person, I Proclaimed, as to the context, that I am not responsible for any of the issues or situations I have been forced to seek relief for or resolution to. And regardless of the Administrative Official threats to "stop pursuing these issues of complaint, I am not accountable (or responsible) for any actions on my part or efforts to secure relief. "I" am not responsible for these situations or violations being committed against "me". (I am not accountable.) I also Proclaimed that because of Administrative Corruption, retaliation, and refusal to address/Process these issues, I would not be submitting anymore issues to the authority of this Administration. Superintendent R. Shannon received this documentation (for record) and sent a copy to (?) to have the ISSUES OF COMPLAINT investigated. There was no "alleged Threat" by Superintendent R. Shannon concerning the document. Superintendent R. Shannon is in a position (of Authority) and knowledgable enough to know if a rule or regulation had been violated. And he would have had me charged immediately (had there been a violation) 9-5-00. But no action was taken because no rule or regulation had been violated, nor was there any Threat made 9-11-00 Vincent Mooney did not ask me anything about a Threatening Statement as he testifies in his report. V. Mooney was enraged because I immediately told him I had nothing to say to this Administration on these issues. (Proclaimed in the Document, reasons included) V. Mooney was asking about names of employees referred to in the Document "ONLY". I again told him I had nothing to say, all issues are being handled by outside agencies. In my report V. Mooney had me sent to RHU. V. Mooney's report implies that Mr. Shannon is not capable of reporting this alleged charge, nor is anyone else during the time of 9-11-00. The Proclamation Document itself was specifically

Official Public File I believe not violated any rule or regulation

Exh F

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT
OF PENNSYLVANIA

* * * * *

BRETT T. CULVER, *

Plaintiff *

vs. *

COMMONWEALTH OF *

PENNSYLVANIA, *

DEPARTMENT OF *

CORRECTIONS, *

et al. *

Defendants *

* * * * *

RECEIVED
Office of Attorney General
AUG 13 2002
Litigation Section

DEPOSITION OF
BRETT T. CULVER
JULY 30, 2002

COPY

Any reproduction of this transcript
is prohibited without authorization
by the certifying agency.

DEPOSITION

OF

BRETT T. CULVER, taken on behalf of
the Defendants herein, pursuant to
the Rules of Civil Procedure, taken
before me, the undersigned, Rhonda K.
Lingle, a Court Reporter and Notary
Public in and for the Commonwealth of
Pennsylvania, at SCI Frackville, 301
Morea Road, Frackville, Pennsylvania,
on July 30, 2002, at 10:05 a.m.

A P P E A R A N C E S

NONE PRESENT

COUNSEL FOR PLAINTIFF

MARYANNE M. LEWIS, ESQUIRE

SUSAN J. FORNEY, ESQUIRE

GREGORY R. NEUHAUSER, ESQUIRE

Chief Deputy Attorney General

Chief Litigation Section

Strawberry Square

Harrisburg, PA 17120

COUNSELS FOR DEFENDANTS

I N D E X

WITNESS: BRETT T. CULVER

EXAMINATION

by Attorney Lewis

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CERTIFICATE

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<u>NUMBER</u>	<u>DESCRIPTION</u>	<u>IDENTIFIED</u>
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OBJECTION PAGE

ATTORNEY

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CULVER

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P R O C E E D I N G S

BRETT T. CULVER, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY ATTORNEY LEWIS:

Q. Good morning, Mr. Culver.
Once again, I'm Maryanne Lewis from
the Pennsylvania Office of Attorney
General and I represent the
Defendants in a lawsuit that you
filed against them. Before we get
into the actual deposition, there's
some preliminary matters that we need
to put on the record.

This is the case of Culver
versus the Commonwealth, et al., and
it's docketed to number 01CV0904, and
it's filed in the Middle District of
Pennsylvania. We're here today for
the purposes of taking your
deposition in regard to this
complaint. Have you ever been
deposed before?

1 A. No.

2 Q. Let me tell you a little bit
3 about what a deposition is. Do you
4 have any idea what a deposition is?

5 A. No idea.

6 Q. It's a discover mechanism
7 where I will ask you questions
8 concerning this complaint. As you
9 already are aware, it's testimony
10 that's given under oath. It's oral
11 testimony and a reporter is going to
12 take down your responses. Now, I'll
13 ask you a series of questions about
14 the facts and allegations in your
15 complaint and you will give a verbal
16 response to those.

17 Before we even get into the
18 questions, you have two options or
19 choices regarding the reading and the
20 signing of the deposition. The first
21 option is that you have the right to
22 read it, review it, make any
23 corrections that you believe are
24 appropriate, sign it as to its
25 accuracy and correctness. If you

1 exercise that option, the court
2 reporter will send you a copy of the
3 deposition and then you're going to
4 have to pay for it. And depending on
5 the length and the mail, the postage,
6 it could be \$30 to \$40.

7 The other option is that you
8 could waive the signing and reading
9 and assume and trust that the court
10 reporter is going to take everything
11 down correctly and then you don't
12 incur any expenses. What do you want
13 to do?

14 A. How was that last one?

15 Q. Well, the second one is you do
16 not read it and sign it. You do not
17 get a copy of it. You will just
18 believe or trust that the court
19 reporter will take down your
20 testimony accurately.

21 A. Well, first of all, I have a
22 problem with the whole disposition
23 because I am in the care of an agency
24 of the system. My rights are non-
25 existent. I filed interrogatories to

1 the Defendants. Everything I asked
2 for was refused, objected to. They
3 told me nothing. They gave me no
4 information. So why should I be
5 expected --- why does everything have
6 to be one way for them? Everything I
7 filed to the court has been denied.
8 Everything the Defendants, the
9 violators of the compliant have filed
10 has been granted.

11 Q. First of all, the purpose here
12 is to take the deposition. The court
13 authorized it. There's a court order
14 that permitted your deposition. If
15 you refuse to testify, that option is
16 yours.

17 Second of all, as far as the
18 interrogatories go, I believe you
19 were provided with answers to those
20 interrogatories and documents as
21 well. I can see the documents.

22 A. There's nothing there. These
23 documents I have. I didn't ask for
24 none of them. Everything I asked for
25 was denied and objected to.

1 Q. And if I do recall, and I will
2 take exception, my recollection is
3 that you filed the motion with the
4 court which was responded to and the
5 Defendants were not deemed by the
6 court to produce any additional
7 information.

8 A. Well, the questions I asked
9 are pertaining to the complaint, the
10 violations. I couldn't have been
11 more simpler.

12 Q. Well, this is not the time and
13 place, of course, to argue as to or
14 discuss the interrogatories. Answers
15 were provided. Objections were duly
16 noted. And if I can recall, I
17 believe you did file a motion which
18 was responded to. If you have a
19 problem with those answers to
20 interrogatories or document
21 production then I suggest you file a
22 motion with the court.

23 A. I mean, I have everything I
24 need documented because the four
25 issues raised in the complaint --.

1 Q. You said you have everything?

2 A. I have everything I need.

3 Q. Do you wish to continue with
4 this deposition?

5 A. No, not one way like this. I
6 imagine I should be given the same
7 courtesy, you know. I mean, I have
8 no problem going to court right now
9 on this complaint. I have everything
10 I need to prove the issues raised in
11 that complaint. As far as everything
12 being demanded from me and nothing
13 coming from the Defendants at this
14 point, I don't see this --- it's real
15 imbalanced.

16 Q. Well, Mr. Culver, I have a
17 right under the federal rules to
18 depose you, as you are the Plaintiff
19 in this case and you brought the
20 lawsuit.

21 A. I understand.

22 Q. If you do not cooperate with
23 this, this, in fact, could harm your
24 lawsuit.

25 A. Well, I'm going to retain ---

1 I'll go ahead, but I'm going to
2 retain the option to object just as
3 the Defendants did to any questions
4 posed - - - .

5 Q. We can - - - I'll address the
6 objections. You may object and put
7 an objection to the question on the
8 record, but you still have to answer
9 it.

10 A. Well, they didn't.

11 Q. They were responded to.

12 A. I think you're missing the
13 point, but we'll proceed.

14 Q. What do you want to do about
15 the deposition? Do you want to read
16 and sign it and pay for the postage
17 or do you want to - - - and you have to
18 mail it back to the reporter.

19 A. And if I don't sign it, I'll
20 be able to get a copy?

21 Q. I don't know that, if you'll
22 be able to get a copy. You'll have
23 to pay for the transcript.

24 A. How much will that cost?

25 Q. I have no idea. That's

1 between you and the reporter.

2 A. I have very limited funds, so
3 I don't know. I really don't see the
4 benefit other than for the Defendants
5 in this. I'm not really trying to
6 help them in anything. The court has
7 been up to bat for them since the
8 start of this.

9 Q. You filed the lawsuit.

10 A. Yes, I did. But since then,
11 everything has been in support of the
12 violators and everything has been me,
13 as the victim. Now, I understand
14 that I have a past record and that
15 I'm in care of this system, but that
16 doesn't negate, you know, it
17 shouldn't compromise the entire
18 system to be against me from the
19 start.

20 Q. And as I said ---.

21 A. I see no justice or fairness
22 in this whole complaint, the case
23 that I filed.

24 Q. And as I explained to you,
25 under the federal rules of Civil

1 Procedure, the Defendants have a
2 right to a defense to the complaint.
3 And that is what my job is, to
4 conduct their defense.

5 A. Well, I also have a right to
6 the information that they hold that
7 they denied me.

8 Q. As I said, Mr. Culver ---.

9 A. In relation to the violations
10 committed by them as violators.

11 Q. As I said before, Mr. Culver,
12 if you are dissatisfied with the
13 discovery, you can file another
14 motion. Were you going to continue
15 with the deposition?

16 A. It seems very unfair. I
17 really don't want to, no. There's
18 nothing fair about this at all. This
19 is all in ---.

20 Q. If you don't continue with
21 this deposition this complaint can be
22 dismissed.

23 A. I have case law to back up
24 this complaint. I have documentation
25 to support every violation committed

1 by the Defendants. If the court
2 chooses to do that then this will be
3 refiled on those grounds.

4 Q. You're running the risk of
5 this case being dismissed.

6 A. Okay. We'll go ahead. I'm
7 not trying to make enemies with you
8 people. I understand you have a job
9 to do. It's just that my point is
10 everything has been very unfair to
11 this point. I will continue and if I
12 get a copy, I suppose I'll pay for
13 it.

14 Q. Do I understand that you want
15 a copy of the deposition? You want
16 to read and sign the deposition?

17 A. Yeah. Yes.

18 Q. The second matter we need to
19 put on the record and we discussed
20 this a little bit is objections. You
21 have a right to object to questions
22 now or you can hold it until the time
23 of trial, if this case does, in fact,
24 go to trial. You can waive your
25 objections until the time of trial or

1 put an objection on the record now.

2 What do you want to do with that?

3 A. I think I'll raise the
4 objection now.

5 Q. Do you understand if you raise
6 the objection, you're preserving it,
7 but you have to answer the questions?

8 A. In court?

9 Q. No, at this deposition.

10 A. Oh, I see.

11 Q. If this is being used in court
12 then the objection will be ruled on
13 at that time.

14 The other thing I need to
15 remind you is that this is oral
16 testimony so your answers to the
17 questions have to be oral or spoken,
18 that the court reporter can hear
19 them. A nod of the head or shake of
20 shoulders is not going to work. If
21 an answer to a question is yes or no,
22 say it's yes or no or you don't know.
23 She can't put down anything that is a
24 non-response. If you don't
25 understand the question or if it's

1 unclear, just ask me to repeat it or
2 rephrase it and I will do that. Do
3 you understand?

4 A. Yes.

5 Q. If later in the deposition
6 something comes to mind that you
7 remember concerning a question that
8 was asked before, just stop me, we'll
9 amend your answer to that question.
10 Do you understand that?

11 A. Yes.

12 Q. If you answer a question that
13 I ask that you think it's fair for me
14 to ask, but you don't understand it
15 or that you heard the question and
16 it's unclear, just ask me to restate
17 it or to repeat it and I will do
18 that. Do you understand?

19 A. Yes.

20 Q. Do you understand that you're
21 under oath today?

22 A. Yes.

23 Q. And that you're obligated to
24 tell the truth?

25 A. Yes.

1 Q. Is there anything that would
2 prevent you from testifying
3 accurately, such as being under the
4 influence of drugs or alcohol?

5 A. No.

6 Q. I think that's it for the
7 background information and we can
8 move into the facts of your
9 complaint.

10 ATTORNEY LEWIS:

11 I'm going to hand you a
12 copy of the complaint. We're
13 going to mark that as Exhibit
14 A.

15 (Deposition Exhibit A
16 marked for
17 identification.)

18 BY ATTORNEY LEWIS:

19 Q. Mr. Culver, how long have you
20 been in here at SCI Mahanoy?

21 A. Three years, since December of
22 '99.

23 Q. And before you were at Mahanoy
24 where were you?

25 A. Rockview, SCI Rockview.

1 Q. And how long at Rockview, do
2 you recall?

3 A. I would say since '95, 1995.

4 Q. And when did you first become
5 incarcerated in the Commonwealth of
6 Pennsylvania?

7 A. 1992 on this.

8 Q. And you are serving time for a
9 conviction of?

10 A. Statutory rape, aggravated
11 assault, a number of other things. I
12 can't even recall.

13 Q. Do you recall what your
14 sentence is?

15 A. Seventeen (17) and a half to
16 41, something like that.

17 Q. That's fine. Mr. Culver, in
18 your complaint, I'm going to direct
19 you to paragraph one. You state that
20 Defendant Miknich harassed you with
21 assaultive behavior, threats and
22 illegal seizure, theft of Plaintiff's
23 legal material, records and
24 documents. Can you explain to me how
25 he harassed you?

1 A. I came out of the library, he
2 asked me to empty my pockets. I did
3 so. He was asking me for my
4 vend-a-card, it's a little plastic
5 card that is used to make copies in
6 the library. I told him I didn't
7 have it. And then he proceeded to
8 shake me down the second time asking
9 me about this card that I had already
10 told him I didn't have. And then he
11 made me sit off to the side for like
12 15 minutes which is all unnormal.
13 It's not a routine shakedown or else
14 he would have just patted me down and
15 let me go. But he frisked me, shook
16 me down twice, made me sit in the
17 lobby area for 15 minutes, called me
18 back to the desk and he was real
19 agitated with me and he told me I
20 could go then. And I told him I
21 needed my materials. He refused to
22 give them to me. I told him that I
23 need my legal work, that I can't
24 leave without it.

25 Q. And what did you have with you

1 when you were going to the library?

2 A. I had a folder like that
3 manila folder right there, packed
4 with legal materials, original copies
5 that I needed copied.

6 Q. And did you file a grievance
7 concerning Mr. Miknich's alleged
8 behavior?

9 A. After other attempts through
10 the unit manager and my counselor
11 that tried to retained my legal
12 materials, yes, I had to file a
13 grievance.

14 Q. And was this on the same date
15 you filed the grievance?

16 A. I'm not sure.

17 Q. Let me show you a copy that
18 we'll mark as Exhibit B. This is the
19 grievance we're talking about;
20 correct?

21 (Deposition Exhibit B
22 marked for
23 identification.)

24 A. Maybe. Let's see.

25 WITNESS REVIEWS DOCUMENT

1 A. Uh-huh (yes).

2 BY ATTORNEY LEWIS:

3 Q. And I think that was on the
4 same date as you're alleging your
5 complaint; correct?

6 A. Right, but this was after I
7 talked to the unit manager and
8 counselor about getting back my legal
9 work and they refused to do so.

10 Q. And you received a response
11 concerning that grievance, the next
12 page, from the grievance coordinator
13 at that time?

14 A. Oh, this was --- yeah, Banto,
15 yes, I remember this.

16 Q. And that is the grievance that
17 was responded to; correct?

18 A. Yes. In here it mentions the
19 misconduct that Mr. Miknich gave me
20 because I wanted a confiscation slip
21 for my legal materials.

22 Q. And you did receive a
23 misconduct, in fact, on that same
24 day; isn't that true?

25 A. On no violation, yes, I did.

1 Q. I'll show you, and we'll mark
2 this as Exhibit, I think, C, a copy
3 of that misconduct. This misconduct
4 was issued on the same day; is that
5 correct?

6 (Deposition Exhibit C
7 marked for
8 identification.)

9 A. Yes, it was.

10 BY ATTORNEY LEWIS:

11 Q. And if you'll look at the
12 second page of the misconduct, there
13 is a confiscation slip; correct?

14 A. Yes, there is.

15 Q. And you did receive a
16 confiscation slip; correct?

17 A. Yes, I did.

18 Q. And this grievance, if you
19 will flip to the last page, went
20 through the appeal process at the
21 institution; isn't that correct?

22 A. If you call it that, yes.

23 Q. It's the last page.

24 A. Am I on the wrong stuff?

25 Q. Yes. And Superintendent

1 Shannon did review the misconduct?

2 A. Uh-huh (yes).

3 Q. And found the procedures were
4 contrary to law and administrated
5 directly and the appeal was denied;
6 is that correct?

7 A. That's what's marked. I don't
8 understand it though.

9 Q. Did you take an appeal of this
10 misconduct to the hearing examiner of
11 the DOC, the chief hearing examiner
12 at the DOC? Do you recall appealing
13 this misconduct?

14 A. Not offhand. I'd have to go
15 through the records. You have to
16 understand, I have like 500 documents
17 related to all this mess.

18 Q. Now, Mr. Culver ---.

19 A. I know that the misconduct was
20 issued after Mr. Miknich discussed
21 the situation with a paralegal coming
22 out of the legal library and he was
23 told by that individual that he could
24 not take my legal work, seize my
25 legal work and therefore he told that

1 individual he's going to get me
2 before I get him. Then I received
3 this misconduct which has no grounds.
4 It's frivolous.

5 Q. And do you know the name of
6 the paralegal?

7 A. Smith. I have an affidavit
8 written by him. I submitted it to
9 the court with the complaint.

10 Q. You raise a good point here,
11 Mr. Culver, because when I received
12 the complaint, you referenced a
13 number of exhibits, which I have
14 never received a copy of.

15 A. You didn't get those?

16 Q. No. If you have those
17 exhibits, maybe before we leave here
18 today, I could get a copy of them.

19 A. Okay. I would have to go back
20 to the unit to get them, but I could
21 do that. There's about --- I'm not
22 going to put a number, but there's a
23 number of affidavits ---.

24 Q. We'll discuss this after the
25 deposition, how we can work that out.

1 A. But Mr. Miknich eluded to some
2 of the materials I had as contraband
3 when I appealed --- made an appeal on
4 that decision, I cited DOC policy and
5 directives on that and I asked that
6 if they support Mr. Miknich's
7 allegations that they do so by citing
8 DOC policy, which couldn't be done.
9 And it was basically just backing up
10 the staff member is what it was.
11 There's no grounds to the misconduct.

12 Q. But you appealed the
13 misconduct and your appeal and your
14 documents were reviewed and acted
15 upon; correct?

16 A. Yes, I remember dealing with
17 that part of it. As far as going all
18 the way, I'm not sure offhand if it
19 did get that far or not because
20 usually at this administration it's
21 not even allowed to go through the
22 entire process.

23 Q. It's not permitted to go
24 through the entire process? Can you
25 explain that?

1 A. Your grievance examiner will
2 say, well, this has to be handled
3 through --- how does she say --- I
4 can't recall how it's phrased, but
5 you have to go through other chain of
6 commands, that it can't be filed as a
7 grievance. And you go to the other
8 chain of command and you never get a
9 response and it just gets spun around
10 and then you're trying --- it's just
11 ---.

12 Q. But as far as the misconduct,
13 you're familiar with the
14 administrative directive as far as
15 the appeal process; is that correct?

16 A. Yes.

17 Q. And the inmate handbook?

18 A. Right.

19 Q. Likewise, the procedures for
20 the grievances?

21 A. Oh, yes. I have 18 years
22 experience with this system. I know
23 how to file a grievance. I've never
24 had a problem until I came to this
25 administration.

1 Q. What's your problem with this
2 administration?

3 A. The administration is
4 dysfunctional. They don't honor DOC
5 policy and procedure. They call it
6 as they go. If you challenge them,
7 you pay the price, but me having
8 nothing to lose and having my legal
9 work taken from me and needing that
10 back, I kind of had, you know, go toe
11 to toe so to speak with this
12 administration and this is the
13 result. I mean, I've done nothing
14 wrong. I'm simply trying to get my
15 legal work back. I'm trying to keep
16 from being retaliated against, thrown
17 in RHU, punished, threatened.

18 Q. Let me direct your attention
19 to paragraph two of the complaint.
20 In the paragraph you say that Miknich
21 harassed you, presented false
22 allegations, false misconduct reports
23 and charges and point of reference,
24 that's the misconduct A159045 that we
25 just discussed.

1 A. This was the start, yes.

2 Q. And he illegally seized your
3 legal materials, documents, property.
4 Can you describe what was in this
5 property, this legal property?

6 A. Documents pertaining to a
7 stabbing assault on my person at
8 Rockview for which I was transferred
9 here.

10 Q. And when did the stabbing take
11 place?

12 A. I'm going to say August of
13 '99. I'm not absolutely sure on
14 that, but I think it was August.

15 Q. Do you remember what the
16 documents were?

17 A. Yes, they were administrative
18 documents. I was suffering terrible
19 post traumatic stress from the
20 assault. I couldn't sleep. I was
21 having nightmares and they had locked
22 me up right next to the assailants
23 and they were threatening me every
24 day and everything like this and I
25 was appealing to the staff for some

1 sort of relief from the situation.

2 Q. This is at Rockview?

3 A. I mean, these guys were thrown
4 in my face every day, yes. And also,
5 about documents to the administration
6 trying to get --- they have a
7 monitoring system for the guards'
8 rounds on the tiers in the prison for
9 security measures. Okay. At the
10 time of the stabbing there was no
11 staff on those tiers. It was in
12 between shifts for at least a half
13 hour, if not 45 minutes. And I
14 wanted records of those check-in
15 stations because they were trying to
16 deny that there was --- but everybody
17 knows there's no staff on. This
18 stuff goes on all the time, you know.

19 Q. And the document was?

20 A. From, I think I sent it to
21 security. I was asking security for
22 those records so I could, you know,
23 show that --- because I was asleep
24 when the stabbing occurred. My door
25 was electronically opened and there

1 was no security. That's why the
2 incident happened.

3 Q. As to the document that you
4 said was in this packet, this
5 document was a request to staff at
6 Rockview?

7 A. Yes. I had a number of
8 documents from the administrative
9 figures at Rockview that I needed a
10 copy of the report.

11 Q. For?

12 A. for the legal work I was
13 putting in on the incident.

14 Q. And what was the legal work
15 that you were putting in?

16 A. Basically their responsibility
17 for the attack taking place, opening
18 my door while I was sleeping and I
19 was in a single cell, no security.

20 Q. Was this a lawsuit you filed,
21 or were going to file?

22 A. I was going to file.

23 Q. Going ---.

24 A. I was going through the
25 grievance headaches with the system

1 at that time.

2 Q. So you were filing a
3 grievance?

4 A. No. These were documents I
5 was trying to get relief at the time
6 I was at Rockview through the
7 administrators, but they weren't
8 doing anything for me. They just
9 threw me in lock up with the
10 assailants.

11 Q. So we're talking then in April
12 of 2000, these were documents that
13 you had relating to an incident that
14 happened in Rockview?

15 A. Yes. Them and certain
16 documents I needed for habeas corpus,
17 I was preparing for my case. It was
18 my original files. It was the files
19 I had with my originals that I needed
20 copies of and that's why I was in the
21 library to get them copied.

22 Q. Back to the misconduct, you
23 received the confiscation slip;
24 correct?

25 A. Uh-huh (yes).

1 Q. And the sanction of the
2 hearing examiner in this package, his
3 sanction was --- can you read that,
4 what the sanction was?

5 A. His handwriting is hard.
6 Something contraband.

7 Q. It was to revoke the
8 contraband, if I suggest that would
9 you agree that it's revoke
10 contraband?

11 A. Possibly.

12 Q. So according to the hearing
13 examiner, the contraband was to be
14 revoked?

15 A. Can you explain that, revoke
16 contraband?

17 Q. Well, a hearing examiner made
18 ---.

19 A. I've got two different
20 interpretations on that.

21 Q. What were your
22 interpretations?

23 A. Well, what's your
24 interpretation?

25 Q. I'm asking the questions, not

1 you.

2 A. One interpretation was that it
3 had to be given back to me. The
4 other interpretation was that I get
5 nothing back. Basically, in so many
6 words.

7 Q. Did you ever get your
8 materials back?

9 A. I got nothing back. That's
10 what this is all about.

11 Q. And according to this decision
12 by the superintendent your appeals
13 were denied; correct, and he upheld
14 the hearing examiner?

15 A. That's what it says.

16 Q. Do you at any time recall
17 signing any slips to have your
18 property destroyed?

19 A. Most certainly not except when
20 I came out of RHU one time they
21 wanted to take all my stuff and they
22 forced me to sign something.

23 Q. And who forced you to sign
24 something?

25 A. The officer receiving me out

1 of RHU that was taking all my
2 personal property.

3 Q. Do you recall his name?

4 A. Kingston. And I think the
5 order was from Lieutenant Brennen.

6 Q. Did you have any property that
7 was stored anywhere in the
8 institution?

9 A. The only time my property was
10 stored was when they were throwing me
11 in the RHU.

12 Q. And upon your release from the
13 RHU, is that the time that you signed
14 the slip to have property destroyed?

15 A. The thing I had signed for
16 property destroyed was for art
17 materials. They were taking all my
18 art supplies. They were basically
19 taking everything I had as far as
20 personal property, commissary items,
21 stuff like that. The slip that I
22 signed was for art materials, paints,
23 paint brushes, paint boards and
24 finished works. And that was
25 December 2001, December 9th or

1 something like that is when that
2 paper was signed.

3 Q. Directing your attention to
4 paragraph three, you make the
5 allegation that on 4/17 Miknich
6 assaulted you again. What did he do?

7 A. 4/17, oh, this is when I was
8 going to the library again, I do
9 believe. And he blew up on me. He
10 works the desk out there.

11 Q. Did you file a grievance
12 concerning that?

13 A. I might have. I went directly
14 to the hole that night.

15 Q. You might have. I'll refer
16 you back to your misconduct packet.
17 The date of the hearing.

18 A. I'm not there yet. Okay. The
19 hearing date.

20 Q. Is that the same day?

21 A. No.

22 Q. Well, your complaint says
23 4/17.

24 A. That might be a typographical
25 error. This is a different --- this

1 is the first hearing. That was that
2 same day I went to the library, I do
3 believe if I remember correctly. He
4 gave me another misconduct.

5 Q. There's another misconduct?

6 A. Yeah, this guy was rifling me.
7 Every time he seen me he was filing
8 false allegations on me, saying I
9 threatened him and his family. The
10 only thing I ever said to him was
11 seven words after the first incident,
12 I said, what's the matter? Can't
13 tell the truth. That was the only
14 words I ever spoke to this individual
15 after he filed that first grievance.
16 He just every time he seen me he was
17 blowing up on me, threatening me,
18 what have you.

19 Q. Let's move to paragraph number
20 five, you also say that Miknich again
21 threatened you with abusive language.

22 A. Okay. And your question is?

23 Q. Tell me what happened. What
24 did Mr. Miknich do?

25 A. I do believe that's the time I

1 was going to education classes at the
2 education building and I had to sneak
3 around this guy. And he caught me in
4 the hallway and he was chasing me
5 after, calling me names down the
6 hall. I was trying to get to the
7 front desk so I wouldn't go to the
8 hole by this guy or something and he
9 blocked the door, threatening me if I
10 went through it --- I don't know, I
11 can't recall what it was, but he was
12 threatening me not to go through the
13 door to get to the outer officers.

14 Q. And did you file a grievance
15 concerning this?

16 A. I do believe I did. No, I
17 think I filed to Camp Hill on that.
18 I think I had given up on the
19 grievance system at this point. The
20 administration here was doing
21 absolutely nothing but supporting
22 this officer and it had been ongoing
23 for months and months.

24 Q. Turn to the last page of your
25 grievance package that I handed you.

1 WITNESS COMPLIES

2 A. This is it.

3 BY ATTORNEY LEWIS:

4 Q. Let's go to the last page. I
5 believe it's dated June 8th. It says
6 begins on June 7th, would that be the
7 grievance?

8 A. Uh-huh (yes). I guess I did
9 file.

10 Q. Is that your signature on the
11 bottom that says, I wish to withdraw
12 this grievance?

13 A. Brennen, that was a unique
14 situation.

15 Q. The question is, is that your
16 signature?

17 A. Yes, it is. But I do believe
18 I also filed a withdraw of the
19 signature right afterwards. This was
20 after I was taken to the property
21 office at 8:40 at night. Kind of a
22 poor situation.

23 Q. Let's move to paragraph six of
24 the complaint. It says Miknich
25 obstructed, hindered and prevented

1 you from legal pursuits release and
2 remedies. How did he do that?

3 A. By seizure of my legal work.
4 Originals I needed for my legal
5 pursuits, my appeals, everything.

6 Q. And what are the suits that
7 we're talking about here? Can you
8 name them for me?

9 A. That would be the Rockview.

10 Q. Rockview stabbing that
11 occurred, you believe, sometime in
12 1999?

13 A. Right, somewhere between
14 August and October, somewhere in
15 there it happened.

16 Q. You also say that you were
17 injured as a result of this. How
18 were you injured?

19 A. Well, to start with it
20 degrades my record. I can't lower my
21 status. I'm a troubled inmate. I
22 had to go to the hole. I ended up
23 doing, I don't know, four or five
24 months in RHU because of all this
25 junk.